

**INDEX OF A REGULAR MEETING  
FORT LAUDERDALE CITY COMMISSION  
SEPTEMBER 19, 2000**

<u>Agenda Item</u>	<u>Reso./Ord. No.</u>		<u>Page(s)</u>
OB		Presentations:	
		1. Expressions of Sympathy .....	1
		2. State Attorney Presentation .....	2
		3. Community Appearance Board's WOW Award .....	2
		4. "Covenant House Florida Day" .....	2
CRA		Fort Lauderdale Community Redevelopment	
		Agency (CRA) .....	24
CA		Consent Agenda .....	37
M-1		Event Agreement – Himmarshee Village Antique Show .....	38
M-2		Event Agreement – Making Strides Against Breast Cancer .....	38
M-3		Agreement – Aldridge Properties, Inc. – Warehouse Space .....	38
M-4		Agreements – State of Florida, Department of Health, Tobacco prevention and Control, and the Department of Children and Families – Sponsorship for Scoreboard and Park Facilities .....	38
M-5		Agreement – Broward County Cultural Affairs Council – Community Arts and Education Project .....	39
M-6		Disbursement of Funds – Joint Investigation – O.R. No. 99-74379 - \$39,958.77 .....	39
M-7		Disbursement of Funds – Joint Investigation – O.R. No. 98-59267 - \$11,865.60 .....	39
M-8		Disbursement of Funds – Joint Investigation – O.R. No. 00-11443 - \$7,143.14 .....	39
M-9		Disbursement of Funds – Joint Investigation – O.R. No. 99-112108 - \$65,76.27 .....	39
M-10		Disbursement of Funds – Joint Investigation – O.R. No. 00-11436 - \$83,082.34 .....	40
M-11		Grant Administration – Broward County Chief's Association, Florida Motor Vehicle Theft Prevention Authority – OPERATION RIGHT TRAC (Tools for Reducing Auto Crimes) – FY 2000/2001 .....	40
M-12		Grant Agreement – Florida Motor Vehicle Theft Prevention Authority – FY 2000/2001 Police Officer Auto Theft Training Program (POATTP) .....	40
M-13		Transfer of Law Enforcement Trust Funds (LETf) – FY 2000/2001 Confiscation Operating Budget and Carryforward .....	40
M-14		Transfer of Law Enforcement Trust Funds (LETf) – School Resources Officers for FY 2000/2001 .....	41
M-15		Lease Agreement – Philip E. Morgaman, Trustee – Community Policing Center at 1113 East Sunrise Boulevard .....	41
M-16	00-141	Amend and Restated Lease Agreement – RSP II Barnett Bank Plaza, Ltd. – City Hall Parking Garage .....	41 & 73

Index of a Regular Meeting  
September 19, 2000  
Page Two

<u>Agenda Item</u>	<u>Reso./Ord. No.</u>	<u>Page(s)</u>
M-17	Dock Usage Agreement – Marine Industries Association of South Florida and Yachting Promotions, Inc. – Las Olas Municipal Marina – 2000 Fort Lauderdale International Boat Show .....	41 & 48
M-18	Interlocal Agreement – Broward County Mass Transit and Agreement with the United Residents Council, Inc. – Use of Van by United Residents Council .....	42
M-19	Conversion of Position from Temporary to Permanent Status – Administrative Aide for HOPWA Operation – Community and Economic Development Department .....	42
M-20	Grant Agreement – Florida Department of Environmental Protection (DEP), Florida Recreation Development Assistance Program (FRDAP) – Improvements to Holiday Park .....	42
M-21	Use of Parks General Obligation Bonds (GOB) – Interest Earnings for Funding of Parks GOB Personnel .....	42
M-22	Change Order No. 1 – Coastal Contracting and Development, Inc. – Project 9571 – Fire Station Safety Modifications .....	43
M-23	Task Order No. 40 – CH2M Hill – Project 9076 – Wastewater Conveyance System Long-Term Remediation Program .....	43 & 49
M-24	Task Order – Carr Smith Corradino – Project 10118 – Engineering Design Services – North Fork New River Dredging .....	43
M-25	Agreements – Broward County Mass Transit and Downtown Fort Lauderdale Transportation Management Association (TMA) – Public Transportation Services, Second Street Shuttle Service .....	43
M-26	Grant Acceptance – Department of Community Affairs and Agreement – Fort Lauderdale Transportation Management Association (TMA) .....	44
M-27	Annual Membership Dues – Fort Lauderdale Transportation Management Association (TMA) .....	44 & 49
M-28	Transfer of General Fund Contingencies – Funding for Broward Urban River Trails, Inc. (BURT) .....	44 & 50
M-29	Task Order – Recreational Design and Construction, Inc. – Permanent Road Closure for Seminole Drive .....	44
M-30	Acceptance of Donation - Development of Hyde Park Market Property .....	52

Index of a Regular Meeting  
September 19, 2000  
Page Three

<u>Agenda Item</u>	<u>Reso./Ord. No.</u>		<u>Page(s)</u>
M-31		City Commission Request for Review – Request for Continuation of Non-Conforming Status – Dr. Robert B. and Mrs. Athea W. Hayling (Administrative Review Case No. 18-NC-00) .....	52
M-32		Settlement of Automobile Liability File No. VA GL 97-709A (Pamela Ford) .....	53
Pur. 1		State Bid – Sedan .....	45
Pur. 2		Bid 702-8333 – Two Chassis/Cab with Trash Bodies .....	45 & 50
Pur. 3		Stop-Loss Insurance for Group Health Benefits and Administrative Fee for Dental Coverage .....	45
Pur. 4		Bids 572-7797 and 582-7841 – Worker's Compensation Managed Care Services .....	46
Pur. 5		Bid S-03-98 – Maintenance of Computer Aided Dispatch and Records Management System .....	46
Pur. 6		State Bid – Office Furniture .....	46
Pur. 7		Bid 602-8267 – Water Meter Rotation Program .....	47
Pur. 8		Bid 612-8350 – Ductile Iron Pipe and PVC Pipe .....	47
Pur. 9		Sludge Hauling .....	48
PH-1	00-124 C-00-50	2000/2001 Budget .....	3
PH-2	00-125	2000/2001 Sunrise Key Neighborhood Improvement District Budget .....	23
PH-3	00-126	Lease Agreement – Jungle Queens, Inc. – Commercial Dock Areas A and B – Bahia Mar Yacht Basin .....	53
PH-4	C-00-51	Vacate a Portion of Southeast 16 <sup>th</sup> Street – Broward General Medical Center (PZ Case No. 8-P-00) .....	53
PH-5	C-00-52	Vacate 15-Foot Alley – Broward General Medical Center (PZ Case No. 7-P-00) .....	54
O-1	C-00-39	Rezone RMM-25 to CB – Florida Property Investment Partners, Inc. (PZ Case No. 11-Z-00) .....	55
O-2	C-00-40	Rezone RDs-15 to CF-S – City of Fort Lauderdale/ Construction Services Bureau (PZ Case No. 12-Z-00) .....	56
O-3	C-00-41	Rezone RDs-15 to CF-S – Robert Durfee (PZ Case No. 9-Z-00) .....	56
O-4	C-00-42	Rezone RO and CF to CB – Broward General Medical Center (PZ Case No. 13-Z-00) .....	57
O-5	C-00-43	Public Purpose Use Approval/Park – City of Fort Lauderdale – Palm Aire Village (PZ Case No. 12-R-00) .....	58
O-6	C-00-44	Amend Section 9-48, "General Permit Fees" – Inspection Building Plan Review – The Specialty Permit Program .....	59

Index of a Regular Meeting  
September 19, 2000  
Page Four

<u>Agenda Item</u>	<u>Reso./Ord. No.</u>		<u>Page(s)</u>
O-7	C-00-45	Assignment of Cable Television Franchise and Assignment Agreement with Broward County – Comcast Cablevision of Broward, Inc. – Palm Aire Village and Golden Heights Service Areas .....	59
O-8	C-00-46	Amendment to Section 2-158 – “Investment of Public Funds” .....	60
O-9	Deferred	Amendment to Chapter 10 – Municipal Cemetery System .....	60
O-10	C-00-47	Amendment to Chapter 24 – Municipal Garbage and Trash Collection and Disposal Service (Sanitation Rate Increase) .....	61
O-11	C-00-48	Create Section 6-15 – Prohibit Feeding of Wild Animals in the Area Surrounding Hugh Taylor Birch State Park Recreation Area .....	61
O-12	C-00-49	Amendment to Section 20-115(3) – Increases in Benefits – General Employees Retirement System .....	62
O-13	Defeated	Amendment to the Pay Plan .....	62
O-14	C-00-53	Amendment to Section 8-156 and ULDR Section 47-19 – Pumpout Hose Assembly for Marine Sanitation Devices to be Equipped with Clear Sight Tubes .....	63
O-15		Create Section 5-36, “Patron Age Restrictions” to Prohibit Persons Under the Age of 21 in Alcoholic Beverage Establishments .....	25
O-16	Deferred	Amend ULDR Section 47-13.20 – Allocation of Residential Units and Site Plan Approval in the Downtown Regional Activity Center (RAC) – City of Fort Lauderdale (PZ Case No. 4-T-00) .....	64
R-1	00-127	Plat Approval – “Riverland Crossings” – Mortimer S. Cohen (PZ Case No. 4-P-00) .....	64
R-2	00-128	Street Name Addition – Northeast 23 <sup>rd</sup> Terrace to also be known as De Sota Terrace .....	66
R-3	Deleted	Qualified Target Incentive (QTI) – MARS, Inc. ....	66
R-4	00-129	Amendment to the FY 1998/1999 and FY 2000/2001 SHIP Local Housing Assistance Plan .....	66
R-5	Deferred	Site Plan Review/RACC-CC – Sea Ranch Properties, L.C. – Las Olas River Residences (PZ Case No. 65-R-00) .....	67
R-6	00-130	Collective Bargaining Agreement – Broward County Local Union, Local 532, AFSCME .....	67
R-7	00-131	Grant Application – Florida Department of Environmental Protection (DEP), Florida Recreation Development Assistance Program (FRDAP) – Improvements to Joseph C. Carter Park .....	67

Index of a Regular Meeting  
September 19, 2000  
Page Five

<u>Agenda Item</u>	<u>Reso./Ord. No.</u>		<u>Page(s)</u>
R-8	00-132	Grant Application – Florida Department of Environmental Protection (DEP), Florida Recreation Development Assistance Program (FRDAP) – New Construction at Palm Aire Village Park .....	68
R-9	00-133	Joint Participation Agreement (JPA) – Florida Department of Transportation (FDOT) – Replacement of Two Bridges – Southeast 15 <sup>th</sup> Avenue over the Marcheta and Carlotta Rivers, North and South of Southeast 13 <sup>th</sup> Street .....	68
R-10	00-134	Joint Participation Agreement (JPA) – Florida Department of Transportation (FDOT) – E. Clay Shaw Bridge (Southeast 17 <sup>th</sup> Street Causeway) – Southeast 23 <sup>rd</sup> Avenue Improvements .....	69
R-11	00-135	First Amendment to License Agreement – FEC Railway Company .....	69
R-12	00-136	Permanent Road Closure – Northwest 6 <sup>th</sup> Avenue at Northwest 2 <sup>nd</sup> Street – Fire-Rescue Headquarters/ Replacement Fire Station Nos. 2 and 8 .....	70
R-13	00-137	Fiscal Year 2000/2001 Central Regional Wastewater System Large User Rates .....	71
R-14	00-138	Florida Department of Transportation (FDOT) – U.S. 1 (Federal Highway) Tree Beautification Program .....	71
R-15	00-139	Sunshine State Governmental Financing Commission Loan – Payroll and Telephone Systems .....	72
R-16	00-140	Repeal and Rescind Resolution No. 00-88 – Award of Sanitation Revenue Bonds – \$5,740,000 – Sun Trust Bank .....	72
OB		Memorandum of Understanding – FOP Union for Health and Dental Insurance Contributions .....	74
OB	00-142	Advisory Board Appointments .....	74

**MINUTES OF A REGULAR MEETING  
CITY COMMISSION  
FORT LAUDERDALE, FLORIDA  
SEPTEMBER 19, 2000**

Meeting was called to order at 6:18 P.M. by Mayor Naugle on the above date, City Commission Meeting Room.

Roll call showed:

Present: Commissioner Gloria F. Katz  
Commissioner Cindi Hutchinson  
Commissioner Tim Smith  
Mayor Jim Naugle

Absent: Carlton B. Moore

Also Present:	City Manager	F. T. Johnson
	City Attorney	Dennis E. Lyles
	City Clerk	Lucy Masliah
	Sergeant At Arms	Sgt. L. Abrams

Invocation was offered by *Reverend Dr. David George Berry*, First Presbyterian Church.

Pledge of Allegiance to the Flag.

Note: All items were presented by Mayor Naugle unless otherwise shown, and all those desiring to be heard were heard. Items discussed are identified by the agenda number for reference. Items not on the agenda carry the description "OB" (Other Business).

**Presentations ..... (OB)**

1. Expression of Sympathy

Mayor Naugle presented Expressions of Sympathy, on behalf of the City Commission, to the families of *Jerry Boyer and Max Pendergrast*.

## 2. State Attorney Presentation

Mayor Naugle introduced *State Attorney Michael Satz* who said he had requested this opportunity to speak because it was important to keep local government apprised of the actions of the State Attorney's Office. He stated that his office was taking a very active interest in children and the elderly. In addition, in 1999 over 18,000 felony cases, 35,000 misdemeanor cases, and almost 7,200 juvenile petitions had been filed. Mr. Satz was very concerned about the safety of the community, and he wished to solicit the City's help with the Truancy Program that dealt with parents in conjunction with the Sheriff's Office and the School Board. He described the Program. He explained that parents were notified of the laws in order to encourage them to send their children to school.

Mr. Satz stated that the Program had been expanded to all 127 elementary schools in Broward County because it had proven so effective since 1997. He hoped to expand the Program to the middle and high schools eventually to ensure that truancy took a rapid decline. Mr. Satz advised that when truancy increased, so did juvenile crimes such as auto thefts and afternoon burglaries, and the greatest crime fighter was education.

Mr. Satz was also very concerned about the foster care system, and he reported that a unit had been started in 1993 to address the financial exploitation of the elderly. He had also found a great deal of neglect and abuse of the elderly in the process, so the unit had grown by leaps and bounds. Mr. Satz hoped all of the government agencies would continue to work closely together to make sure children and elderly were safe and protected.

Mayor Naugle appreciated Mr. Satz's appearance here tonight and congratulated him on achieving another 4 years in office.

## 3. Community Appearance Board's WOW Award

Commissioner Hutchinson presented the Community Appearance Board's WOW Award to:

*Sean and Bethany Fee*  
**1100 SW 19 Street, River Oaks**

She advised that the Fees had transformed a once ordinary home into a stately residence over the past 2 years and commended them for helping to keep Fort Lauderdale beautiful. Commissioner Hutchinson presented them with a certificate from the Board and a gift certificate from Causeway Lumber.

## 4. "Covenant House Florida Day"

Commissioner Katz read aloud and presented a Proclamation declaring September 28, 2000 as "Covenant House Florida Day" in the City of Fort Lauderdale. *Mr. David Spellman*, Executive Director, accepted the Proclamation on behalf of the Covenant House. He expressed appreciation to the City Commission for the tremendous working relationship Covenant House had enjoyed, and particularly for the many visits by Commissioner Smith to communicate about the needs of youth. Mr. Spellman noted that the City Manager had also always had a heart for the over 21,000 young people helped over a 15-year period.

Mayor Naugle advised that there had been a request to consider Item No. 0-15 on Thursday evening because it appeared it would be very late before that Item was presented tonight. Following additional discussion, it was the consensus of the Commission to take up this item second on this evening's agenda.

**2000/2001 Budget ..... (PH-1)**

The second public hearing was held on the tentative budget of the City of Fort Lauderdale for the fiscal year beginning October 1, 2000 and ending September 30, 2001. Ordinance No. C-00-50 was published on August 30 and September 6, 2000, and was passed on first reading at the Regular Meeting of September 11, 2000, by a vote of 4 to 0.

Mayor Naugle stated that this was the second of two public hearings to be held as required by law on the millage rates and the City's budget for fiscal year 2000/2001. He advised that the purpose of the hearing was to receive requests and comments regarding the City's budget and tax levies and to explain the budget and any amendments thereto.

Mayor Naugle called for those who wished to be heard. The following appeared:

Mr. Terry Sharp, Assistant Finance Director, stated that for fiscal year 2000/2001 there was a calculated percentage increase in the millage rate of 8.1% over the rolled back rate of 4.6619 mills, which, by State Statute, was characterized as an 8.1%, increase in property taxes. The City found this percentage increase necessary to fund the proposed budget. He stated that the proposed millage rate of 5.0415 included all ad valorem taxes except debt service and constituted the basis for the State-required advertisement concerning the budget and taxes, which had appeared in the "Sun Sentinel" on Saturday.

Mr. Sharp reported that the proposed millage rate for debt service for the combined 1987/1992/1998 General Obligation Refunding Bonds was 0.2968, which represented an 11.06% decrease in the millage rate under the rolled-back rate of 0.3337. The proposed millage rate for debt service for the 1997 General Obligation Bonds was 0.2281, which represented a 4.56% decrease in the millage rate under the rolled-back rate of 0.2390.

Mr. Sharp said the purpose of this hearing was to summarize the reasons for the recommended property tax millage, and to take public comment regarding property taxes and the recommended budget. In addition, the millage rate would be approved, along with the Fire Rescue Assessment and the budget itself. He stated that the City's portion represented about 22% of the total taxes levied on personal property. Mr. Sharp pointed out that the School Board received the largest share of total property tax bills, followed by Broward County, the City, the Hospital District, the South Florida Water Management District, and the Florida Inland Navigation District.

Mr. Sharp stated that a property with a Homestead Exemption, the most the taxes could go up was 2.7% unless the value of the property had been increased through permitted improvements. He noted that the millage rate for the City remained the same, and the property tax bill for the average \$150,000 home would be \$22.54 more than last year. Mr. Sharp reported that the all funds budget proposed amounted to \$338.8 million, and more than half of that could be attributed to the General Fund. He stated that the General Fund was the portion of the budget that was substantially funded by property taxes, while other portions of the budget were funded by Enterprise Funds. Mr. Sharp advised that the debt service budget was \$13.5 million.



Mr. Sharp pointed out that property taxes were only one of several resources, and charges for services made up the largest resource with property taxes funding only about 20% of the all funds budget. He stated that property taxes funded about a third of the General Fund budget, and the General Fund provided monies for Police, Fire-Rescue, Parks & Recreation, Street Maintenance, and other general services provided by the City.

Mr. Sharp said the proposed General Fund budget was proposed to increase by 5.5% from \$178.8 million to \$180.2 million, and the all funds budget would increase 2.4% from \$331 million to \$338.8 million. He advised that some of the reasons for the budget increase proposed included \$1.3 million for existing Parks & Recreation facilities and programs, \$600,000 to continue Police programs initially funded by grants, \$500,000 for new Park Bond facilities, and \$500,000 for public safety overtime costs.

Mr. Sharp reported that the budget also included \$400,000 for Police Dispatch and Record Systems, \$100,000 for additional Fire-Rescue communications staff, and funding for staff compensation increases as new labor agreements were ratified and the non-bargaining unit pay study was approved. He said that in addition to property taxes, increases in other fees were proposed, including a \$2 increase in the Fire-Rescue Assessment fee to \$38 per household; a 3% increase in water and sewer fees; and, a 2% increase in sanitation fees. Mr. Sharp pointed out that no increases were proposed for storm water fees or licenses and permits.

Mr. Sharp advised that the budget included the changes proposed by the Commission on September 11, 2000, including moving \$4,167 from the social service organization budget to General Fund Contingencies; moving \$1,017,884 in proposed carry forwards from various departments to General Fund Contingencies; and, retaining the \$1.5 million in the Capital Improvements Program (CIP) Stabilization Account rather than transferring it to the General Fund. He stated that the net impact of this last change had been to reduce the General Fund budget by \$1.5 million, so the working capital reserve would be \$1.5 million at the end of next year. In addition, the CIP transfer would be \$4,359,000.

Mr. Sharp reported that once the budget was adopted tonight, staff would begin preparation of the adopted budget materials for November, including the budget document. He advised that these documents would be made available to the public, and it would be placed on compact discs this year.

Mayor Naugle wondered how much the City had received in federal funds this year. Mr. Sharp advised that he would calculate the figure and report later this evening. Commissioner Katz also desired a report on the monies spent or proposed for spending through the CIP in 6 months. The City Manager agreed to provide a CIP progress report within 6 months.

*Ms. Pat Mayers* said she was here again to remind the Commission that it was Fort Lauderdale tax dollars in question this evening, and she was appalled at how many people who had spoken on September 11, 2000 who did not reside in the City. She thought the Boy Scouts was a wonderful organization, but she did not feel any organization should receive public funds unless it was open to every citizen.

*Ms. Patti Meyers*, of the Fort Lauderdale Children's Theater, said the Theater's grant proposal had been submitted 3 minutes late due to an emergency at the Theater. As a result, the request had been recommended for denial. Ms. Meyers advised that the City had funded the "Bridge from Me to You" Program for the past 7 years. This program was conducted in the classroom and taught cultural diversity, responsibility and other character issues through improvisations. She felt this was very important, and 93% of the services offered by the Children's Theater were provided in Fort Lauderdale. Ms. Meyers asked the Commission to reconsider this proposal.

Mayor Naugle asked how much the City had contributed last year. Ms. Meyers believed \$5,720 had been received, and she was seeking \$10,000 this year. She advised that services were provided at Lauderdale Manors, Walker, North Fork, Northside, Croissant Park, Bayview, Dillard, Harbordale, Floranada, and Virginia S. Young Elementary Schools.

*Mr. Mark Casale*, Associate Executive Director of The Starting Place, which was a non-profit substance abuse facility located in Hollywood, said it had just celebrated its 30<sup>th</sup> anniversary and helped countless individuals and families, many of whom resided in Fort Lauderdale. Mr. Casale stated that the City had funded this organization for 8 or 9 years, and it had received \$2,500 last year. Unfortunately, another employee had written the proposal this year, but correspondence had been directed to last year's author, so a presentation had not been made to the Board. Mr. Casale hoped the City would continue to contribute \$2,500, particularly since State and County funds had been cut. He stated that the \$2,500 was intended for the BETA program at Sunrise Middle School.

*Ms. Marsha Golsby*, a resident of Lauderdale Manors, was glad the City Manager's budget included a small tax increase to address some of the public services expected by the community. However, she wondered if there was any State directive about sewerage the entire City by a certain date. Mayor Naugle knew of no such mandate. Ms. Golsby stated that sewers had been discussed at a meeting on July 29, 2000, and she really felt the City should recognize the need for sewers due to increased density. She hoped the Commission would take a position in this regard, and she pointed out that 70% of the City had sewers. Of the 30% not on sewers, 90% was within District 3.

Ms. Golsby noted that funds had been made available for parks projects that had not been included in the Parks Bond, and she hoped staff would remember that the parks facilities in Lauderdale Manors were sub-standard. She felt the recreation center should be brought up to the standard necessary to serve a neighborhood of this size.

Mayor Naugle pointed out that the City had a goal of installing sewers in all industrial areas and any areas with a lot of multi-family and waterfront property. He stated that the elevation in Lauderdale Manors was 11', and the soil condition was clean white sand; therefore, sewers were considered optional. Mayor Naugle recalled that a public hearing had been held about installing sewers in Lauderdale Manors, but there had not been a consensus to move forward. However, if that feeling had changed, the City would reconsider the matter. Ms. Golsby believed the reason there had not been consensus was because the property owners could not afford the assessment.

Mayor Naugle advised the City had a policy of sharing sewer costs with the benefiting property owners. Ms. Goldsby thought a bond issue should be considered by the voters. Mayor Naugle thought a lot of people had not been supportive because there were no drainage problems in the neighborhood, and they did not want to pay for sewers just for the sake of being on sewers. Ms. Goldsby had understood from City staff that the density of the area was a factor, and Mayor Naugle said he would be glad to discuss the subject with her further.

*Mr. Joseph Arnold Yates* said he resided in North Miami, and he was retired from the United States Army. He had a document from the Congressional Record dated 1987, which was known as the "Homosexual Manifesto." Mr. Yates was deeply concerned about human rights and tolerance, and he pointed out that people in the armed forces had risked their lives for their fellow citizens. He submitted copies of the "Homosexual Manifesto" for the Commission's review.

*Mr. Chris Nick*, a resident of Lantana, stated that this issue was being considered in his community as well, but he had a lot of friends and family in Fort Lauderdale, many of whom were single parents. He advised that he was speaking on their behalf because they had to stay home and take care of their children. Mr. Nick felt the hardest thing in the world was for a single mother to raise boys because they needed male role models. He stated that the Boy Scouts had helped to bridge the gap between boyhood and manhood by teaching them about honesty, courage, friendship, loyalty and kindness. While this did not replace fathers, he felt it helped to fill the void. Mr. Nick hoped the children would not be sacrificed for a political point of view. In fact, he felt the funding for the Boy Scouts should be increased twofold.

*Ms. Jodi Hoffman*, National Director of Victimization of Children's Research and Education Council of America, and National Director of Restore America's Moral Pride, stated that there had recently been another homosexual Scout leader who had been charged with molesting children. In this case, he had been charged with 107 counts of molestation, including 64 counts of forced sodomy of Boy Scouts and a dog. Ms. Hoffman said this individual had been sentenced to 200 years in prison.

Ms. Hoffman said Fort Lauderdale was known throughout the world as having the highest number of homosexuals per capita, outnumbering San Francisco and Amsterdam. As the mother of teenagers, she stated that she would not allow a man to spend a night in a tent with her daughters, and she would not allow a homosexual to camp out with her sons. Ms. Hoffman thought now was the time to stop the "gay ride" and restore America's moral pride.

*Mr. Greg Hoadley* stated that he was a taxpaying resident of Fort Lauderdale, and he felt it was time to stop the "hate campaign" against the Boy Scouts. He thought this group had done far too much good for far too long to be treated so badly. Mr. Hoadley noted that tolerance was frequently mentioned, but he wondered whose definition of tolerance applied. He did not feel the gay and lesbian people were practicing what they preached because if they were tolerant, they would let the Boy Scouts be the Boy Scouts. Mr. Hoadley did not think intimidating people into silence sounded very tolerant.

Mr. Hoadley did not think it was intolerant for someone to believe that sex should be reserved for one man and one woman in marriage. He pointed out that this had been considered common sense 5 or 10 years ago, but today it was considered intolerant and mean-spirited. Mr. Hoadley hoped the Commission would end this "charade" and keep funding the Boy Scouts.

*Mr. Paul Hoffman*, of Pompano Beach, said he had seen the gay lifestyle, and it was not just committed couples. He suggested people visit south beach and West Hollywood to see what the gay lifestyle meant for the majority of men. Mr. Hoffman believed the Commission was considering approving of men going to Boy Scouts and telling them that being HIV-positive was a "badge of honor." He felt that was the kind of talk that went on in this lifestyle, and he did not think it was right. Mr. Hoffman thought that approving this lifestyle represented "tinkering" with the Judeo Christian morality system that governed this country.

Mr. Hoffman did not think there was anything wrong with tolerating a lifestyle, but approving of it was a completely different thing. He stated that the only people who did not subscribe to Judeo Christian principles were "pagans." Mr. Hoffman believed this road would lead to the abolishment of age of consent laws, marriage laws, and "sex with children" laws. He hoped the Commission would not approve of the homosexual lifestyle and of homosexuals serving as Scout Masters.

*Mr. Joseph Martino*, of Fort Lauderdale, hoped the Commission would reconsider its earlier position and fund the Boy Scouts as requested. He felt it was imperative to remove this from the political context and provide the necessary funding to continue this worthwhile program. Mr. Martino thought elimination of this funding would give Fort Lauderdale a "black eye" around the world.

*Ms. Carol Moran*, President of the Gay and Lesbian Community Center of South Florida, noted that there were not as many gay people present this evening as there had been at the last hearing because it was very hard to listen to hate for 5 hours. She felt it was demoralizing, and she did not know how this had come to be a religious issue. Ms. Moran believed the bottom line was that the Scouts had won the right to keep out gays, and she congratulated them on this victory. However, that did not mean that private organizations that discriminated against any group of human beings had the right to tax dollars.

Ms. Moran acknowledged that the Boy Scouts did great work, but they also discriminated. She suggested that the City contribute this money to the Boys and Girls Club or other organizations that helped youth without discrimination against any human being.

*Dr. D. James Kennedy* said he had been a City resident for 41 years and it seemed to him that in a society with crumbling morality, especially among youth, the Boy Scouts should be applauded rather than punished. He was happy to report that the City Commission of Lauderdale-by-the-Sea had voted unanimously to support the Boy Scouts and include them in their budget. Dr. Kennedy was also happy to have read that the Chase Manhattan Bank had reversed its position and returned its support to the Boy Scouts, and he hoped the City Commission would do the same.

Dr. Kennedy stated that this was not a matter of hate. Rather, it was a matter of love and concern for boys. He understood that at least one Commissioner had not been aware of any problems with homosexual Scout leaders, but there had been a problem with this for many decades because homosexuals had "crept surreptitiously" into position as leaders. Dr. Kennedy reported that in the last week of August, one Scout leader in California had been arrested for having molested 33 Boy Scouts. Another leader had been arrested for molesting 107 Boy Scouts as mentioned earlier this evening. Dr. Kennedy concluded with a statement attributed to Mrs. Martin Luther King, who had known many ex-homosexuals, but she had never met an ex-black.

*Ms. Barbara Collier* said she had lived in Fort Lauderdale for 35 years. As a mother of sons and a former Den mother, she had been pleased with the community's response to Boy Scout Night in the public schools recently. A report from the Scout Executive indicated that 334 school nights had been held with an enrollment of 6,510 new Scouts. Ms. Collier advised this was a 25% increase in enrollment after last year's school night for Scouting, and there were 754 new Scout leaders and 36 new units in South Florida. She stated that 1,500 people had volunteered their time for those meetings, and she felt that was a demonstration of the public's response to the Boy Scouts. Ms. Collier hoped the Commission would vote to continue this funding to help disadvantaged and disabled children participate in Scouting.

*Ms. Delores J. Bruce*, a City resident, supported the policies of the Boy Scouts and the contribution of public monies to their programs. She was sorry for the men and women who had been caught up in a homosexual lifestyle, but she wanted better lives for her children. Ms. Bruce felt children deserved a way out of a lifestyle of sexual addiction.

*Mr. Arthur Best*, of Coconut Creek, acknowledged the difficulty of deciding between the legal thing and the right thing. He believed the legal issue was clear, but the homosexual agenda was to force homosexual Scout leaders on everyone. Mr. Best stated that the Boy Scouts were not against homosexual Scouts, but against homosexual leaders, and he felt that was a reasonable distinction. He pointed out that the only signs in the room that reflected hatred, bigotry or prejudice were those displayed by homosexuals, and he hoped the Commission would keep that in mind.

*Mr. Mark Collymoe*, of Coconut Creek, said it was difficult for him to understand how Fort Lauderdale could even consider "defunding" a program that had been an astounding success at helping at-risk and disabled youth for over 90 years. He did not see anything wrong with the Boy Scouts protecting its members by not allowing homosexuals to become Scout leaders. Mr. Collymoe did not feel this was discrimination, but common sense. He hoped the Commission would not allow a radical political group to "piggy-back" on the hard work and sacrifice of civil rights advocates. Mr. Collymoe felt those individuals had fought against real discrimination, and he was insulted. He urged the Commission to continue funding one of America's greatest organizations – the Boy Scouts of America.

*Ms. Janet Folger*, National Director of the Center for Reclaiming America, which was an outreach of Coral Ridge Ministries. She said she was here to stand against the campaign of hate aimed at the Boy Scouts of America. Ms. Folger felt this vicious attack against Boy Scouts, the poor, and the disabled was also an attack on the freedom of speech, the freedom of association, and religious freedom. As mentioned at the last hearing, Ms. Folger stated that Focus on the Family had announced a possible boycott of Fort Lauderdale if this hateful assault on the Boy Scouts and the disabled continued. She hoped that would not be necessary, but she felt it was time to stop the hate aimed at children earning merit badges instead of joining gangs.

Ms. Folger acknowledged that the Boy Scouts was a private organization, but it did great public good in the most crime- and drug-infested areas of the City. She stated that she was prepared to support a boycott if this attack continued by taking the Reclaiming America for Christ Conference to another city next year, which would cost Fort Lauderdale over \$300,000. Ms. Folger stated that she had also spoken to other groups representing 30 million families that were prepared to support a boycott as well if this assault was reaffirmed tonight.

Ms. Folger said that when the County had added "sexual orientation" to its anti-discrimination ordinance, it had been suggested that it would be used to attack groups that disagreed with the homosexual agenda. Those suggestions had been discounted as extreme, but by picking a fight with the Boy Scouts of America, she felt the situation had gone too far. Ms. Folger stated that no one wanted a boycott of Fort Lauderdale, but the gay community had "awakened a sleeping giant" that would work to take this matter to the voters. She hoped that would not be necessary.

*Mr. Chris Gorbey* said he was a father, a former Boy Scout, and a Fort Lauderdale resident. He understood the homosexual activists seemed to think they were experiencing hate, but that was hard to accept in light of news reports that they were trying to cut off public and private funding for the Boy Scouts across the nation. He felt that was hate and spitefulness. Mr. Gorbey said he had been reading the "Homosexual Manifesto" distributed earlier, and he thought it was coming true right here in Fort Lauderdale. It said, "we will sodomize your sons, and churches that condemned us would be closed." He thought the strategy to close the use of public parks to Boy Scouts and to lobby against funding would backfire because people could see the truth.

Mr. Gorbey understood the gay community wanted parents to trust their sons with homosexual leaders, yet its own "Manifesto" indicated the resulting response if gays did not get their way. He wondered if gay Boy Scout leaders would punish Scouts the same way the activists were trying to punish organizations across the country now. Mr. Gorbey hoped Fort Lauderdale would not "fall prey to this evil."

*Mr. Kevin Daily*, a Hollywood resident, said he had recently moved to Broward County, and he had relocated here because it was a place for any person or human being to live without discrimination. He felt it was a place that represented humanity in the real world and a culmination of the diversities of all races, religions, classes and sexualities. After living here for only a short time, Mr. Daily had come to realize that Broward County was a leader in this country of which he was proud.

Mr. Daily stated that this was not a gay issue. Rather, it was a human rights issue. He said that he had come to the realization of who he was about 10 years ago. He believed sexuality was a complicated issue and, in fact, he was not 100% homosexual. Mr. Daily pointed out that everyone was different, but he did not judge people. He stated that he was not and had never been a pedophile, and statistics showed that 80% of pedophiles were heterosexual. Mr. Daily said that homosexuals, bisexual and transgender people were human and just like everyone else in many ways. They were uncles, aunts, parents, children, brothers, sisters, doctors, lawyers, teachers, volunteers and Christians. Mr. Daily commended those Commissioners who supported Broward County's anti-discrimination law by not giving public funding to discriminating organizations. He also questioned Mayor Naugle's decision to go against the law of the County by encouraging discrimination through the support of public funding.

*Mr. Boyd Anderson* advised he had been a Fort Lauderdale resident for 75 years, and he pointed out that Florida Statutes indicated that sodomy was a crime. He had been involved in Boy Scouting, and the organization attempted to build goodness and character. Mr. Anderson stated that every civilized country in the world considered sodomy a crime, and he hoped Fort Lauderdale would not support perversion within the Boy Scouts.

*Mr. John Harper*, of Sea Ranch Village, pointed out that the Supreme Court had upheld the right of the Boy Scouts to refuse membership to homosexuals. He did not agree with all of the decisions of the Supreme Court, but this was the law of the land, and he urged the City Commission to follow the example of this highest judiciary body by approving this funding. Mr. Harper noted that someone had pondered earlier about why this was a religious issue, but he felt it was a human issue.

*Mr. Jared Blackburn* said that he attended Westminster Academy, and he was not interested in discussing sexual orientation, hate or discrimination. He pointed out that the issue was funding, and he felt the City should continue its support as it had for years. Mr. Blackburn felt that taking this money from the Boy Scouts was punishing them for exercising their rights, and he wondered where it would stop. He did not think there was a more deserving organization for the City to fund than the Boy Scouts, which raised boys into men in truth.

*Mr. Doug White* advised that he was a City resident, a disabled veteran, and an Eagle Scout. He loved the Boy Scouts of America as an institution that stood for the well being of young men. He reported that the founder of Scouting, Lord Powell, had stated that the real way to get happiness was by giving happiness to other people. Mr. White advised that Lord Powell had married a 23-year-old woman at the age of 55, and some people might have considered that an abomination, but his wife had brought great things to the Boy Scouts. He agreed that this might be a political point of view, but so had been the Declaration of Independence, the Bill of Rights, the desegregation of the military, granting the women the right to vote, and the Civil Rights Act.

Mr. White was very concerned about the young boys who were getting the message that they were useless and could not participate in this wonderful institution. He quoted the original Boy Scout Manual that indicated the Boy Scouts was neither a reformatory, nor a club of the select. Mr. White hoped the Commission would send a message to the Boy Scouts that they did not want Scouting to be select, but inclusive of all boys because that was what they were all about.

*Mr. Tim Padron*, a City resident, wondered if the gay community qualified, genetically, as a group that could claim specific discrimination rights. He did not believe homosexuality was genetically created, as were traits and characteristics like left-handedness, hair color, etc. Mr. Padron pointed out that people had preferences when it came to traits and characteristics, and this was not discrimination. He felt every group should be respected, but he did not think it was appropriate to scream "discrimination" because a cause was not accepted.

Mr. Padron referred to public funding. He stated that the school system had spent his tax dollars as it saw fit, although he sent his daughter to private school. He pointed out that the Hospital District was supported by tax dollars, and he did not agree with its stance on certain issues. Mr. Padron felt Scouts helped the community and contributed to the public as a whole, so he thought the organization should receive public funds. He said he would approve of homosexual leaders if he could be assured they would not "plant the seed" of a homosexual lifestyle when approached with difficult questions by Scouts. Mr. Padron did not think that could be guaranteed, however.

*Mr. Kyle Clelland* felt this decision would have a chain reaction, and Fort Lauderdale would serve as a catalyst. He said that the City had one of the highest per capita homosexual populations in the United States, and the Commission could choose to eliminate funding for this amazing organization or it could continue funding as it had done for many years. Mr. Clelland stated that as a young man and citizen of Fort Lauderdale, he felt the moral degradation and rot in which he had grown up could be changed by following the creed of the Boy Scouts.

*Mr. Richard Spolzino*, a Davie resident, wondered when this assault on children had started and when it would end. He thought this assault had started with prime time television containing explicit sex and violence and being marketed to children. Mr. Spolzino stated that there was a causal relationship between what children were being exposed to and their sexual and anti-social behavior. He advised that Congress was considering debating better controls to protect children, and he felt parents should discriminate against those who marketed filth to children for financial gain. Mr. Spolzino thought it was time to overcome the "Clinton era of if it feels good, do it." He also did not feel discrimination to protect children was a vice, and there was not a parent who did not do it every day to protect and teach their children right from wrong. Mr. Spolzino encouraged the Commission to continue funding this great national treasure.

*Ms. Jennifer Horn* said she had lived in Fort Lauderdale for many years and quoted John Maxwell who had said, "leadership is influence. She pointed out that Scout leaders had great impact on young people, and they influenced the lives of others. Ms. Horn noted that today's decisions affected the future. She believed that America has first rejected morals that were different from those on which this country had been founded. Then, America had accepted it, and now everyone was embracing it. She urged the Commission not to embrace this and to vote what was best for the children.

*Rear Admiral Otto Scherini*, a long-time City resident, advised that his son was an executive director with the Boy Scouts, and he knew it was a fine organization. He hated to see the Boy Scouts "trampled." Admiral Scherini had a pamphlet titled "The Scientific Study for Gay Conduct," which reported certain findings. For example, it indicated that gay men had about 100 sexual partners per year, and about one-third of child molestation cases involved sodomy. Admiral Scherini pointed out that the Commission had taken an oath to support the Constitution of the United States and the State of Florida. He noted that the Supreme Court ruling had become part and parcel of the Constitution, and its decision could not be dismissed. In fact, he believed a vote against the Scouts would constitute a violation of the Oath of Office. He also believed that a decision contradicting the Supreme Court could not be legally upheld and automatically became null and void. Admiral Scherini said that one bewildered Boy Scout had recently asked his dad "what is so bad about being good?" He thought now was the time for good people to stand up and just say "No. Enough is enough."

*Mr. Henk Horn* supported the Boy Scouts. He had lived in South Africa for 20 years, but he had learned from John Maxwell that a man with experience would always outperform a man with theory. Mr. Horn said that he had been victimized as a child, and the perpetrator had indicated he had brought it on himself. He wanted to remind everyone that things happened to young people that caused them to struggle for years, and it was more difficult to deal with the consequences of these things than to prevent them from occurring in the first place. Mr. Horn did not believe there was any such thing as sexual addiction, just poor character.

*Ms. Barbara Louisot*, of Boca Raton, said she had been teaching for over 20 years, and the Broward County school system would be teaching "character education" this year. She displayed a poster depicting the 8 qualities that would be taught, including respect, citizenship, honesty, and self-control. Ms. Louisot shared a story about a student from a disadvantaged home who had joined the Boy Scouts and developed into a leader with character, and she believed the Boy Scouts had a powerful impact in this man's life by providing positive role models. She hoped the Commission would, through this contribution to Boy Scouts, support the work of the schools.



*Mr. Mark LaFontaine* said he was an Eagle Scout and a Fort Lauderdale taxpayer. He was shocked that the Boy Scouts had taken this issue to the highest court in the land because it was really a "non-issue." He pointed out that 4 Eagle Scouts had come forward at the last meeting, and they stood for Boy Scouts, but not one of them had supported a ban on homosexual leaders. Mr. LaFontaine said he was a product of Scouting, and he had plenty of character, but he had always known he was gay. He felt he should be respected for who he was, and he submitted a letter from the National Boy Scout Office, which hoped he would continue to be guided by the Scout Oath and Law as the basis of development of his own personal code of conduct. Mr. LaFontaine firmly believed that the Boy Scouts of America had to live with the consequences of their decisions and actions, and he noted that the phrase "morally straight" did not mean heterosexual.

*Ms. Karen Talaske*, a Fort Lauderdale resident, said she had come here to support the Boy Scouts. She did not feel this was a matter of homosexual rights, but it was about an organization that was established to build character in young men. As leaders in the community, she hoped the Commission would encourage organizations like the Boy Scouts. She felt that "defunding" the Boy Scouts would cripple the community.

*Mr. Ed Thomsen* said he had lived in Fort Lauderdale for 40 years and was here to support the Boy Scouts of America. He felt the Commission was being duped. He did not believe there had been any evidence of discrimination by the Boy Scouts in Broward County. Mr. Thomsen felt this issue was a ploy. He did not think this was a question of discrimination, but one of morality. He pointed out that Scouts pledged to remain "morally straight," and that was a problem for the homosexual community. Mr. Thomsen said there was a possibility of a recall vote of any Commissioner who did not represent the views of the citizens of Fort Lauderdale.

*Mr. George Fourson*, a 40-year resident of Fort Lauderdale, said he was a former military officer and a former Boy Scout. He stated that he was also someone whose family had been invaded by homosexuality. Although he loved everyone in his family, he hated some of their sins, just as he hated his own sins. Mr. Fourson stated that he was also a parent and, like most parents he had spoken with, he wanted this funding to go to the Boy Scouts. He advised that he had witnessed the problems associated with homosexuality in the service of his country, and raising children was very difficult. Mr. Fourson suggested the Commission seek wisdom from God and fund the Boy Scouts.

*Mr. Art Tavenner*, of Fort Lauderdale, asked the Commission not to fund the Boy Scouts of America. He stated that Broward County had a human rights ordinance to secure for all individuals freedom from discrimination on the basis of race, color, religion, sex, national origin, age, marital status, political affiliation, familial status, disability or sexual orientation. Therefore, he did not believe tax money should be used to support any organization that made discrimination a policy. Mr. Tavenner believed an organization that had a policy of discrimination taught discrimination to its members by example. He pointed out that the Boy Scouts of America could choose not to discriminate but, if it did, it should not expect funding from a community with a law against discrimination.

Mr. Tavenner felt that discrimination was evil. He also felt that the churches that wanted to support evil could support the Boy Scout program with a portion of the monies they realized through their tax exempt status. Further, for those who believed gay people were mean spirited, Mr. Tavenner wished to state the gay community contributed tax dollars to support the education of children without complaint. He suggested the City support organizations that did not discriminate, such as the 4H Club, the Boys and Girls Club, Kids in Distress, and after-school programs. Mr. Tavenner submitted a petition containing over 1,000 signatures from people, gay and straight, who opposed this funding.

*Ms. Dena Boswell*, of Fort Lauderdale, encouraged the Commission to stop this "campaign of hate" against the Boy Scouts. She felt this attack on the part of homosexual activists and some elected officials was nothing but an attempt to drive the Boy Scouts out of existence or force them to compromise their belief system. Ms. Boswell stated that the Supreme Court had ruled that organizations like this had the Constitutional right to limit and restrict those members it allowed into positions of leadership. She advised that the Boy Scouts believed homosexuality was immoral, and if this campaign was successful, she wondered who would be next. Ms. Boswell hoped the Commission would help the Boy Scouts to continue to help others. She also pointed out that there were a lot of registered voters present who wanted the Commission to support the Boy Scouts.

*Mr. Randy Tavlin*, a 40-year resident of Fort Lauderdale, said that when he was growing up, government had been concerned about pollution, water, roads, and growth. Yet, today, the argument was about an institution that had existed longer than most of the people present had been alive. Mr. Tavlin stated that the Boy Scouts had never done anything but great things for the youth of America.

Mr. Tavlin advised that his grandfather, Jack Humphries, had served on the City Commission as Fort Lauderdale had grown. He thought he would have been appalled that this conversation had even taken place because the Commission had not been elected for this purpose.

*Mr. Bud Chamberlain*, Fort Lauderdale resident, was really amazed that this conversation was taking place. He felt this campaign of hate and prejudice against the Boy Scouts was absolutely ridiculous. Mr. Chamberlain thought it was just a ploy to punish the Boy Scouts for believing that homosexuality was immoral. He felt this was a matter of vengeance because some people were outraged that others believed homosexuality was a sin. Mr. Chamberlain hoped the Commission would not "play into the hands of a political agenda that mean-spiritedly discriminated against the Boy Scouts and sought to punish for disagreeing with their views."

*Ms. Barbara Law*, of Plantation, lauded the history of the Boy Scouts for the past 100 years. She stated that its mission was a quiet one that yielded results, and the fruits of the program had impact on countless individual lives. Ms. Law was concerned that the government was yielding to the political pressure of a few at the expense of the entire nation. She encouraged the Commission to vote in support of the Boy Scouts.

*Mr. Jeff Herman*, Executive Director of the South Florida Council of Boy Scouts, said the Council's only interest was in providing a character development program and a safe haven for the kids in this community who needed it most. He was sure everyone would agree the Boy Scouts had served the community with distinction for many years, but they did not want to get caught up in the politics of the day. Mr. Herman presented a video about the program that was the subject of this funding request.

*Ms. Christine Theodore*, 27-year Fort Lauderdale resident and mother of 2, said she was here to support the Boy Scouts of America and to express her concern about the polarization and division that the gay agenda had brought upon Fort Lauderdale. She felt that support of the Boy Scout program should be a common community goal supported by everyone. Ms. Theodore pointed out that everyone had experienced some form of discrimination, but this issue had nothing to do with religion, race or gender. Rather, the gay community was trying to monetarily force the Boy Scouts into legitimizing their sexual desires. They wanted to impose their morality on an independent organization and set a precedent to do the same to other organizations that did not agree with their lifestyle.

Ms. Theodore stated that there was no gay gene and no genetic evidence to justify homosexuality. She believed it was a willful desire and a choice. Ms. Theodore noted that smoking had been shown to reduce a lifespan by 10 to 12 years, but homosexuality shortened life by approximately 30 years, so it was 3 times more self-destructive than smoking. She also reported that homosexuals suffered the highest suicide rate of any group. Ms. Theodore pointed out that the cold, hard facts of a destructive lifestyle were seldom printed in the mainstream media, and she felt legitimizing this lifestyle would impose harm on others, especially innocent children who deserved better. She urged the Commission to support the Boy Scouts.

*Mr. Bill Ashcraft* said he had lived in Fort Lauderdale for 44 years, and he had graduated from Fort Lauderdale High School in 1962 when people still prayed at the start of each day and when morality was taught in every class. He stated that the Supreme Court had then made a series of decisions that had resulted in a gradual moral decline throughout the nation. Mr. Ashcraft believed that the most effective intervention that could be provided in a secular society was to enroll kids in Scouting. He hoped the Commission would reconsider its previous vote, and double or triple the City's contribution to the Boy Scouts.

*Ms. Christine Sneeringer* said she had been a lesbian for 6 years, but she had been free of homosexuality now for 10 years. As a former homosexual, she said she had experienced ridicule and rejection, and she knew how much discrimination hurt. Ms. Sneeringer supported the Boy Scouts, but she was not in favor of derogatory treatment of homosexuals. Nevertheless, she felt the organization had a right to determine what was best for them and for the boys.

Ms. Sneeringer advised that before she had entered into her first homosexual relationship at the age of 15, she had sought advice from a woman in a position of authority she had trusted. However, she had not been aware that the woman was a lesbian. In accordance with her beliefs, that woman had encouraged Ms. Sneeringer to enter her first gay relationship. While she recognized that she was responsible for her own choices, she felt children were extremely vulnerable. Therefore, it was essential to exercise extreme caution when others had a position of authority in their lives. She hoped the Commission would not punish the Boy Scouts for wanting to protect other teenagers from making the same mistake she had made or for wanting to choose leaders who shared their values.

At 8:36 P.M., Commissioner Hutchinson left the meeting.

*Mr. Richard Woodville*, of Hollywood, said he was a parent and an uncle, and children were constantly asking questions and seeking role models. He felt this issue was about the future and standing up for what was right. Mr. Woodville believed what the Boy Scouts were doing was good and right.

*Mr. Ken Miller*, of Oakland Park, said he had been born and gone to school in Fort Lauderdale, and he taught disadvantaged students in the City. However, he often reached them too late because he taught in the Broward County Jail, and it was also too late for their victims. Mr. Miller advised that these individuals had once had great potential, and their lives could have been so different if there had been someone there for them when they were growing up. He felt the City should support the Boy Scouts in every possible way.

Mr. Miller said he had a friend who was very open minded and trusting, but he had been gang-raped by 5 homosexual men, one of whom had been HIV positive. As a result, Mr. Miller's friend was no longer alive, and he knew of others who had AIDS or who had died through no fault of their own. He supported the common sense, moral decision of the Boy Scouts to consider men who had sex with other men to be inappropriate role models for young boys.

At 8:40 P.M., Commissioner Hutchinson returned to the meeting.

*Mr. Brian Leary*, a Fort Lauderdale resident for 21 years, pointed out that the power to tax was also the power to destroy, and the power to spend was also the power to reward or punish. He did not feel the City should punish the Boy Scouts of America for having received the sanction of the United States Supreme Court to exercise its right to associate with those who shared their morals. Mr. Leary did not seek to oppress the homosexual community, but he did not feel the homosexual community should seek to impress itself upon his children. He wanted his children to belong to organizations that shared his own moral values. Mr. Leary hoped the Commission would use common sense and practicality when it came to situations where young boys and men were thrust together. He urged the Commission to fund the Boy Scouts as it had traditionally.

*Mr. Tony Ramos*, a Fort Lauderdale resident, noted that this discussion had been political, religious and moral, but the real issue was the law. The law said discrimination was not allowed in Broward County, and he did not think his tax dollars should be used to fund any organization that discriminated on any basis.

*Mr. Terry DeCarlo* referred to the possible boycott of Fort Lauderdale. He reported that the Convention and Visitors Bureau had indicated that the number of homosexual v. heterosexual tourists was 2 to 1. He pointed out that a similar boycott had not shut down Disney World, and he did not expect the results to be different in Fort Lauderdale despite these scare tactics. Mr. DeCarlo also pointed out that homosexuals were voters as well, but this was a legal issue of discrimination. He stated that the Boy Scouts were discriminating, and he wondered who would be next.

Mr. DeCarlo understood that many people felt homosexuality was a lifestyle choice, but he would not have selected a lifestyle that involved people screaming at him, throwing things at him, beating him up, and coming after him every day of his life. He urged the Commission not to give public money to the Boy Scouts.

*Mr. John Ernst* said it was difficult, and he had not talked about this for 40 years, but he had been the victim of a homosexual Boy Scout leader. He stated that he and several hundred "Star Scouts" had been inducted into a "secret society," and they had not told anyone for fear of losing their Scout status. Mr. Ernst had not discussed this for many years, but he thought it was important that the Commission realized boys had been hurt.

*Ms. Patty Kinast*, a Parkland resident and a single mom, said she was a lesbian. She looked forward to her daughter joining the Girl Scouts as she had when she was growing up. Ms. Kinast stated that the Girl Scouts did not discriminate, and she hoped the Boy Scouts would open their hearts and follow that lead. She felt that upholding loving and moral values was the most positive message that could be sent to kids. As an aside, Ms. Kinast stated that gays and lesbians spent over \$13 billion dollars annually, and they were good citizens. She hoped the Commission would not support discrimination.

*Mr. William Bassett* said he had lived in the Fort Lauderdale area for more than 15 years, but some 50 years ago, he had served as a Boy Scout Chaplain in Rhode Island at a camp with 850 boys visiting for a week for 10 weeks. He felt it had been the most memorable summer of his life, and he thought people should just let boys be boys. He did not see any reason to “dump sex on them” when they hardly knew how to tie their shoes. Mr. Bassett did not believe there were very many boys of scouting age who were gay, and he thought there was something to be learned from that fact.

Mr. Bassett had seen no prejudice, hatred or discrimination among the boys at that Scout camp, and he had certainly not heard it preached or promoted by any Scout leader. He felt “the shoe of sexual abstinence fit all feet.” He also did not feel sexual abstinence as a philosophy and a teaching caused any hatred. Mr. Bassett stated that promoting healthy bodies, clean minds and pure souls was the purpose of the Boy Scouts, although sex education in the public schools had changed the complexion of American kids. He thought it was difficult to teach children abstinence when they came home from school with a pocketful of condoms. Mr. Bassett said that if he had to choose a role model for his son, he’d rather have Dan Marino than Liberace.

*Ms. Rosemary Sacks*, of Oakland Park, felt the City Commission should support the Boys Scouts as an American institution. She said she had no problem with gays, but she wondered why they wanted to be a part of Boy Scouts. Ms. Sacks understood that people had to tolerate it and live with it if their son came home and said he had chosen an alternative lifestyle, but it was not something anyone looked forward to. She felt parents owed their children proper role models.

*Ms. Jacqueline Tucker* said that ever since the Supreme Court ruling in this regard, public response had grown steadily. Many people were dismayed that one of the nation’s most revered civic institutions would proclaim itself to be a discriminatory group, and she felt the fact that various government and private organizations had withdrawn support from the Boy Scouts was significant. Ms. Tucker felt these organizations had come to this decision because it was absolutely clear, from the Scout’s stated position in court, that homosexuality was absolutely incompatible with Scouting. She thought this policy threatened current Scouts and Leaders, and it actively discriminated against many boys who wanted to participate and learn life skills and values. Ms. Tucker saw no need for high publicity expulsion like the one inflicted on James Down, and she was concerned that gay youth were being told they were immoral and unclean.

Ms. Tucker felt that Boy Scouts should be allowed to use public facilities on the same basis as everyone else, but she did not feel any special treatment such as public funding, subsidies or benefits was appropriate. She believed this risked involving the City in an expensive, divisive lawsuit, and any court would surely find that Fort Lauderdale had been put on notice that the Boy Scouts of America discriminated. Ms. Tucker agreed that this organization had done a great deal of good for many years, but there were other organizations available to young people that did not discriminate.

*Ms. Mary Taylor*, a 48-year resident of Fort Lauderdale, said she was very proud of Mayor Naugle. She thanked him for having the courage to be the sole dissenter on the Commission. She stated that a lot had been said about upholding the law, and she pointed out that there were still certain State laws against unusual types of sex. Ms. Taylor thought that if people were going to insist on following the law, they should follow all the laws and not just the ones they liked. She stated that she had spoken to an attorney in Kansas who handled sex crimes, and she had indicated that child molesters were about half homosexuals and half heterosexuals. Ms. Taylor's son was an Eagle Scout and a product of West Point, and her grandsons were Scouts as well. She did not feel political expedience always won the game, and she hoped the Commission would consider the long term.

*Mr. Dilvert Hatchett*, a 10-year Fort Lauderdale resident and Vice-President of his neighborhood association, hoped the Commission would not vote to fund the Boy Scouts. He applauded the Commissioners for their courage in standing up for their beliefs and for representing the people.

*Ms. Susan McCullum* noted that Mayor Naugle had toured her home during the Sailboat Bend House and Garden Tour, and she had been an educator since 1982. She stated that this was the first political activity she had attended with respect to gay and lesbian issues, and she understood why they were so under represented this evening. Ms. McCullum said this was the first time she had ever felt intimidated or attacked because of who she was. She was not a child molester, and she was insulted by such references.

Ms. McCullum pointed out that this non-discriminatory right to be heard was one of the great freedoms of a Democracy. She stated that Boy Scouts had chosen to discriminate against a minority, and they felt they had a right to display prejudice against a single group of people because it was a private organization. Therefore, the Boy Scout organization was of the opinion that private bigotry was acceptable, and she questioned the message that might send to a young Scout who might be grappling with his own sexual orientation. Ms. McCullum felt this was a message born of fear and ignorance that translated into teen strife and an escalating number of suicide attempts.

Ms. McCullum did not feel an organization that believed it was immune to non-discriminatory policies should get any public money. She believed the only thing in jeopardy in this room tonight was the right to discriminate. Ms. McCullum said she was discriminated against every day. She could not marry the woman she loved, and her partner could be fired for having a photograph of them both on her desk. Ms. McCullum stated that discrimination was alive in this City despite the fact that people had the courage to step forward. She felt a vote for taxpayer funding of the Boy Scouts would be a reward for short sighted bigotry that had no place in this City.

*Mr. Mark Ketcham* advised that he was an Eagle Scout, and he had been President of the Victoria Park Civic Association for the past 2 years. He had also served on the Community Appearance Board and was currently a member of the Planning & Zoning Board. Mr. Ketcham said he loved this City, and he was also gay. He was having a very hard time with the Boy Scouts discriminating against person anywhere. As a person who loved the City and as an Eagle Scout who had been taught to make good out of bad, Mr. Ketcham was concerned that this entire issue was giving the City a "black eye." So, he had gone out to all of his friends throughout the community to raise money to support the Boys and Girls Clubs. Mr. Ketcham announced that in 2 days, he had received checks for \$5,760 from the citizens of Fort Lauderdale. He asked Mayor Naugle to present those checks to the Boys and Girls Clubs on behalf of the whole community.

*Reverend J. Lee Vandenhouten*, Associate Pastor of the West Lauderdale Baptist Church, believed the City Attorney had indicated at the last hearing that the City Commission was not bound by the laws of the County. Mayor Naugle agreed he had made that comment last week. Reverend Vandenhouten stated that if discrimination and conscience were issues of the Commission, they would have to cut the funding to 13 different organizations contained in the City's budget. He cited Women in Distress and Meals on Wheels as two examples. Reverend Vandenhouten pointed out that Women in Distress did not help men in distress and did not take everyone. He pointed out that Meals on Wheels only helped people over a certain age; so handicapped people under that age could not be served. Reverend Vandenhouten believed these organizations discriminated because they needed to do so. He hoped the City Commission would support the Boy Scouts just as it supported these other worthy organizations.

*Mr. Dick St. John*, Fort Lauderdale resident, thanked the Commission for its service to the community. He described his background as a Scout and in service in the armed forces. Mr. St. John believed Scouting had given him qualities that helped him get through war, and he supported the organization. He was especially supportive of the program being considered for funding that helped disabled and underprivileged children become Boy Scouts. Mr. St. John thought that "defunding" this program would send a message that Fort Lauderdale did not care about building young leadership. He believed the whole issue was a matter of spite because of the Supreme Court decision, and he thought homosexuals wanted special treatment rather than equality. Mr. St. John cited the local law enforcement act before Congress now that had been cleverly described as the Hate Crimes Bill. It basically said that any harm done to a homosexual was more important than crimes committed against heterosexuals, and he hoped the Commission would do the right thing and support the kids.

*Ms. Barbara Erickson*, Executive Director of Kids Voting, explained that this was a non-profit, non-partisan voter education organization with curriculum provided in the schools, and mock elections staged at the polls. She stated that the City had contributed \$1,000 to Kids Voting last year, and approximately 5,200 young residents had the opportunity to vote in a mock election as a result. Ms. Erickson stated that \$2,500 had been requested this year and, with the election coming up in November, about 13,000 children in Fort Lauderdale could learn about voting. They could also learn communications and decision-making skills to empower families and build democracy.

Ms. Erickson stated that Kids Voting benefited all students in Broward County, and economically challenged children were assisted by "leveling the playing field." She explained that studies had been conducted indicating that Kids Voting helped close the gap between socioeconomic levels and all gaps in all forms of communications. An additional study had found that Kids Voting was also particularly effective in strengthening feelings of political efficacy among lower status youth. Ms. Erickson knew how much the Commission value the importance of education and democracy and hoped they would reconsider this funding request.

*Mr. Vince Santino*, of Pompano Beach, said he held Christian-based beliefs, and this nation had been formed on those beliefs. He had 2 boys who would soon be Eagle Scouts, and a Viet Nam veteran, and he felt this was a vote about morality. Mr. Santino thought the choice was simple, and the Commission should take the moral high road while the nation watched.

*Ms. Liza Smoker*, District 2 resident, thanked the Commission for taking on this very difficult job. She realized the Commission could not please everyone, but she respected their leadership. Ms. Smoker said she was present to voice the opinion of the Fort Lauderdale youth who were most affected by this issue. She saw a battle for a political agenda among adults, that was having consequences on uninvolved children, and she did not think it was necessary. She pointed out that the Supreme Court had made its decision, and she saw no need to prolong this emotional battle. Ms. Smoker believed that eliminating this funding would only result in the needless suffering of children. She thought this issue would have to be resolved at some point, but she did not feel this was the time or place to resolve this power struggle.

*Mr. Garland Harris*, of Coral Springs, was definitely in favor of the City supporting the Boy Scouts, but there was a discrimination issue involved. He felt it was an issue of choices, and the Boy Scouts had made a choice to shape boys into men, although that was discrimination against females. Nevertheless, he supported the choices the Boy Scouts had made.

*Mr. Rob Edwards*, a City resident, wanted to call attention to the hypocrisy of discriminating against Boy Scouts on the grounds that it was a discriminatory organization. He stated that every time the City Commission made a decision to spend tax dollars, and he was sure that included funding organizations that espoused views with which he would take issue. Nevertheless, he hardly expected the City to gain the approval of all its constituents every time a funding decision was made. Otherwise, funding of all groups would have to be eliminated because there would always be someone who opposed every group for one reason or another. Mr. Edwards hoped the Commission would not discriminate against the Boy Scouts because a few people took issue with its views.

Mr. Edwards recalled one speaker who had said he had been born a homosexual. He was ashamed to confess that he had been born a fornicator, and a liar, and a cheat, and a lot of other things he was not proud of but that he had overcome. He stated that the fact people were inclined to do something did not make that thing acceptable, nor relieve people from a moral obligation to refrain from doing things that God had condemned.

*Mr. Bob Rollar*, a Fort Lauderdale resident for 25 years, and a Korean War veteran, said that when he had served in Korea, someone had tried to "jump in the sack" with him, and it had been a horrible experience. He pointed out that people were talking about money, and every dollar spent in this country carried the phrase "In God We Trust." Mr. Rollar pointed out that this country had been born on the Bible, and he left a \$1 bill as evidence.

*Mr. David Ferebee*, of Wilton Manors, said he had been disturbed last week by those who tried to establish a claim on tax dollars through their affiliation with "God, mother and country." He said his family's history in America dated to 1660 when the early colonists had begun to experience freedom from a caste society for the first time. During the next 100 years, this newfound freedom had developed into a revolution that declared all people to be equal. Since then, Mr. Ferebee said everyone in his family had fought for the right to be free from the tyranny of those who claimed such a closeness to God that their religious beliefs should prevail over the beliefs of others in the halls of government.



Mr. Ferebee said his family had not fought for its right to choose their own religion over a 300-year period just to be told by Mayor Naugle that his religion should take precedence in a decision of government funding. In fact, the Constitution called for the opposite and established no single religion as law, and his forefathers had not fought for religious liberty only to have the Christian Coalition and other groups discriminate against taxpayers who answered to a different God. Mr. Ferebee agreed the Scouts was a great organization, and he had been a Scout himself, but there can be no basis in religion, good morals or law for a government to discriminate against any members of the tax-paying public. Therefore, he urged the Commission to remain steadfast in its intention to provide public funding only to programs that did not discriminate.

*Ms. Monica Wilson*, of Fort Lauderdale, said she should have “worn her hip boots” tonight. She appreciated the fact that any group had the right to express opinions on any issue, but to threaten the City Commission and Fort Lauderdale was outrageous. She said that she lived in a diverse community, and everyone paid taxes, but when it came to public funding, she felt it should be for everybody. Ms. Wilson understood the Boy Scouts of America had fought for the right to discriminate, and she thought the organization should have that right as a private group. However, she did not think they should be funded with public dollars. She was sure the City Commission would not want to fund the KKK, and she was concerned about setting a precedent of funding any group that promoted institutional discrimination. Ms. Wilson was sure there would be lawsuits if the City funded one discriminating group and not another.

*Mr. Tom Rogeberg*, of Coral Springs, had been thrilled to start a new job in Fort Lauderdale a few months ago, but he was embarrassed today by the official stance taken by the City Commission last week. He pointed out that the City had cleaned up the image it had in the 1960s, but it was now allowing itself to be “cajoled into falling into a trap set by a radical homosexual agenda.” Mr. Rogeberg stated that the Boy Scouts had been synonymous with decency and morality for nearly 100 years, and he hoped those were traits this City wanted to emulate.

Mr. Rogeberg was outraged that “while the ink was still wet” on the Supreme Court’s decision to allow the Boy Scouts to exclude homosexuals from serving as leaders, this City Commission was spending an incredible amount of time debating whether or not to provide a few dollars for disadvantaged and disabled children. He wondered when and why the Boy Scouts had become the “bad guys” and homosexuals had become the “good guys” in the eyes of the majority of this Commission. Mr. Rogeberg hoped the Commission would end this debate and provide some very limited funding, as requested, without letting a tiny minority of the populace overthrow the intent of the Supreme Court decision.

*Ms. Maxine King* said she was a psychotherapist and a fourth generation Floridian. She stated that as a Christian, it seemed most of the people in the nation did not realize that this nation had been founded in accordance with God’s laws at great personal peril. Ms. King said she had not come here in hatred, but the Constitution was guided by a moral people. She stated that the American Psychological Association had, in 1977, voted homosexuality out from under the title of abnormal behavior. Ms. King advised that as a group, homosexuals had greater education and were more widely traveled than the typical citizen, but there was no homosexual gene. She believed homosexuality was a choice.

**Motion** made by Commissioner Katz and seconded by Commissioner Hutchinson that the public hearing be closed. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

Commissioner Smith did not think anything “tore at the fabric of America” more than the fact that most people did not vote. Therefore, he favored contributing the \$4,000 to Kids Voting rather than to the Boy Scouts. He was hopeful something positive could come out of all this controversy.

Commissioner Katz said this had been a very difficult public hearing to sit through, and there were a number of things said that had offended her. She stated that she was not a Christian, and she resented anyone who was insensitive enough to stand at the podium and suggest that those who were not Christians were not acceptable in this world or in Heaven. Commissioner Katz resented implications that this was about hating or attacking the Boy Scouts. She said it was nothing of the sort. She supported the Boy Scouts, but this was a discretionary amount of money being sought by numerous worthwhile organizations.

Commissioner Katz pointed out that the City did not have to contribute public funds to any social or cultural organization, and perhaps that would be best in the future. She thought that would be an unfortunate consequence, but if it caused this kind of division in the community, perhaps it was best. Commissioner Katz noted that the issue had become one of Boy Scouts v. gays, and she thought that was ridiculous in face of the much larger discrimination issue. She did not feel any group should receive public funds if it discriminated.

Commissioner Katz stated that whenever public money was accepted, there were strings attached. One of the basic principles that should govern the use of public funds was that an organization should not discriminate against any group. She noted that the Supreme Court decision had allowed a private organization make its own decisions about who could belong or lead, and she accepted it. Commissioner Katz felt that if the Boy Scouts felt that strongly about this position, the organization should reject the public funding in order to stay true to their own beliefs.

Commissioner Katz pointed out that instead of the paltry \$4,000 the Commission had considered contributing to the Boy Scouts, a church had stepped up and contributed \$10,000. It appeared the Scouts could do better raising funds from the private sector, and government could not award public monies to agencies that discriminated. Commissioner Katz asked everyone on the Commission to take a strong and unanimous stand against prejudice, intolerance and discrimination.

Commissioner Hutchinson agreed with everything Commissioner Katz had said. She thought everyone knew she favored an inclusive society, and she felt it was presumptuous of anyone to question her belief in God or her morals. Commissioner Hutchinson said that if this was what budget hearings were like, she would favor no public input. At the next Commission workshop session, she wanted to bring up the subject of contributions to social organizations. She wanted to discuss how organizations were selected for funding and whether or not the whole concept was worthwhile.

Commissioner Hutchinson believed the Commission had received informational materials about the organization she had mentioned on September 11, 2000 – Justice for Children and Families. She also supported Kids Voting.

Mayor Naugle felt the Scouts should be awarded the proposed funding, as recommended by two City advisory boards.

**Motion** made by Commissioner Smith and seconded by Commissioner Hutchinson to approve the budget as defined at the first hearing, and to split the \$4,100 contribution between Kids Voting and Justice for Children and Families. Roll call showed: YEAS: Commissioners Hutchinson, Katz, and Smith. NAYS: Mayor Naugle.

Mayor Naugle asked Mr. Sharp if he had obtained the figure he had requested earlier. Mr. Sharp replied that he had. He stated that the budget being adopted tonight contained no federal funds. Mayor Naugle asked how much money the City would be receiving from the federal government for spending. Mr. Sharp replied that the most recent figure he had was for fiscal year 1999/2000, and the amount had been \$10.8 million. Mayor Naugle understood that money came in the form of Community Development Block Grants and other sources. Mr. Sharp agreed monies also came from the Department of Justice, the Department of Transportation, and the Federal Aviation Administration.

Mayor Naugle thought that if the Commission felt so strongly about not giving any public funds to an organization that discriminated, it should also consider the issue of receiving funds from discriminating organizations. He believed the policy of the United States government was to exclude gays from the military. Mayor Naugle wondered if the Commission wished to reject funds from the federal government for that reason as a test of their convictions.

Mayor Naugle hoped no one would boycott Fort Lauderdale because he believed that would hurt the City very badly. He still wanted to promote the City as a family-oriented destination around the world, and he hoped everyone would remain calm. He also hoped the Scouts never changed its policies and continued to do the fine job it had always done in the community.

Commissioner Smith appreciated the magnanimous effort of the whole community to raise \$6,000 in 3 days to show that everyone accepted one another. To allay any fears about a boycott, he said he had called the Director of Tourism this morning who had no great concerns. He reported that there had been 550,000 avowed gay tourists in the area last year, and only God knew how many more there had been "in the closet."

Mayor Naugle announced that the City would be levying the following millage rates on all property within the City of Fort Lauderdale:

Operating Budget	5.0415
1987/1992/1998 GOB Debt Service	0.2968
1997 GOB Deb Services	0.2281

Commissioner Smith introduced a written resolution entitled:

RESOLUTION NO. 00-124

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, ESTABLISHING THE MILLAGE RATE TO BE LEVIED BY THE CITY OF FORT LAUDERDALE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2000 AND ENDING SEPTEMBER 30, 2001.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

Commissioner Hutchinson introduced the following ordinance on second reading:

ORDINANCE NO. C-00-50

AN ORDINANCE ADOPTING THE APPROVED BUDGET OF THE CITY OF  
FORT LAUDERDALE, FLORIDA FOR THE FISCAL YEAR BEGINNING  
OCTOBER 1, 2000, AND ENDING SEPTEMBER 30, 2001.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

**2000/2001 Sunrise Key Neighborhood Improvement District .....(PH-2)**

The second public hearing was scheduled on the tentative budget of the Sunrise Key Neighborhood Improvement District for the fiscal year beginning October 1, 2000 and ending September 30, 2001. Mayor Naugle explained that this was the second of two public hearings as required by law on the millage rate for the Sunrise Key Neighborhood Improvement District budget for fiscal year 2000/2001. The purpose of this hearing was to receive requests and comments regarding the Sunrise Key Neighborhood Improvement District's budget and tax levies and to explain the budget and any amendments thereto.

Mr. Terry Sharp, Assistant Director of Finance, stated that for the fiscal year 2000/2001 there was calculated a percentage decrease in the millage rate of 30.7% under the rolled back rate of 1.442 mills which, by State Statute, was characterized as a 30.7% decrease in property taxes. The City had found this rate necessary to fund the proposed budget. He stated that the proposed millage rate of 1 mill included all ad valorem taxes except debt service and would be combined with the City's levy for the State required advertisement concerning the budget and taxes.

Mr. Sharp advised that the budget included \$4,200 for professional services, \$24,400 for security and other services, \$4,200 for vehicle expenses, \$2,500 for repair and maintenance, \$3,500 for general liability insurance, and \$1,200 for contingencies.

Mayor Naugle called for those who wished to be heard. There were none.

At 9:57 P.M., Commissioner Smith left the meeting.

**Motion** made by Commissioner Hutchinson and seconded by Commissioner Katz to close the public hearing. Roll call showed: YEAS: Commissioners Hutchinson, Katz, and Mayor Naugle. NAYS: none.

At 9:58 P.M., Commissioner Smith returned to the meeting.

Mayor Naugle announced that the City would be levying the following millage rate on all property located within the Sunrise Neighborhood Improvement District:

Sunrise Key Neighborhood Improvement District Budget	1.0000
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Commissioner Hutchinson introduced a written resolution entitled:

RESOLUTION NO. 00-125

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, ESTABLISHING THE MILLAGE RATE TO BE LEVIED BY THE CITY OF FORT LAUDERDALE FOR THE SUNRISE KEY NEIGHBORHOOD IMPROVEMENT DISTRICT FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2000 AND ENDING SEPTEMBER 30, 2001.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

**Motion** made by Commissioner Katz and seconded by Commissioner Hutchinson to approve the budget for the Sunrise Key Neighborhood Improvement District for Fiscal Year 2000/2001. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

**Fort Lauderdale Community Redevelopment Agency (CRA) ..... (CRA)**

The City Commission was scheduled to meet as the Fort Lauderdale Community Redevelopment Agency Board of Directors to consider the fiscal year 2000/2001 budget for the Central Beach Fund of the Fort Lauderdale CRA, subject to the approval of the City of Fort Lauderdale.

Mr. Chuck Adams, Community Development, stated that the budget amounted to \$1,610,024, composed of primarily tax increment contributions from the three taxing authorities – Broward County, the Hospital District, and the City. He advised the operating budget amounted to \$235,519, and the difference of \$420,002 would be reserved for capital improvement programming. Mr. Adams hoped to make some final recommendations on this programming later in the year, as that subject would tie into the beach renourishment programs.

Mr. Adams advised that monies were also coming into the fund from the Parking System in the amount of \$602,945, which was used to address debt service for tax increment bonds floated in 1992 to fund primarily the purchase of the Oceanside Parking Lot.

Commissioner Katz thought the Beach Redevelopment Board should have input into some of the decisions made about how the money was spent. From what she understood, infrastructure items such as sidewalks and landscaping were not being considered. Mr. Adams did not agree that was true. He stated that the Beach Redevelopment Board had been consulted in February and March, and estimates had been presented as to almost \$1 million about which some immediate decisions had to be made. Mr. Adams reported that the Board had voted to support the recommendation that the monies be earmarked first for a beach renourishment fund, and there had been additional discussion about traffic and transportation improvement studies would include a series of improvements and issues. He advised that would be presented in October.

Mr. Adams stated that when this information was available, an intelligent capital improvement program could be outlined that would consider the use of these funds for various improvements in the future. He advised that the need for public parking and landscaping were on the preliminary lists.

Commissioner Katz wanted to see the recommendations from the Beach Redevelopment Board take in more than just parking garages and roads. She wanted the Board to examine infrastructure and landscaping as well. Mr. Adams agreed that was the intent.

**Motion** made by Commissioner Smith and seconded by Commissioner Hutchinson to adopt the FY 2000/2001 budget for the Central Beach Redevelopment Community Area. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

**Create Section 5-36, "Patron Age Restrictions" to  
Prohibit Persons Under the Age of 21 in Alcoholic Beverage Establishments ..... (O-15)**

An ordinance was presented amending Chapter 5 of the Code of Ordinances to create Section 5-36 entitled, "Patron Age Restrictions," to prohibit persons under the age of 21 from entering or remaining, or from being permitted to enter or remain, within alcoholic beverage establishments, providing for definitions, exceptions and an effective date. The proposed ordinance will be published between first and second reading.

Mr. Chris Wren, Office of Community and Comprehensive Planning, stated that staff had drafted an ordinance to regulate the age of patrons in alcoholic beverage establishments, as directed by the City Commission. He explained that the ordinance would make it unlawful for persons under the age of 21 to enter establishments that sold alcohol, with certain exemptions. Those exemptions included employees, persons accompanied by parents, and restaurants. In addition, if an establishment changed a venue to provide a non-alcoholic beverage period, all beverages previously served would have to be picked up.

Commissioner Smith suggested an exemption for those serving in the military. Mayor Naugle said he had asked the City Attorney about that, and he had indicated it could be included in the ordinance for second reading.

The Police Chief felt from a law enforcement standpoint that exclusion of those under aged 21 from establishments where alcohol was sold would be in the public's best interests. He pointed out that the State had indicated it was in the best interests of the public not to serve alcohol to those under aged 21, and there was no way to control access to alcohol when those under 21 when they were co-mingling with others in an establishment where alcohol was being served.

Commissioner Katz wondered if it would be best to include enforcement techniques in the ordinance. The City Attorney advised that the ordinance included a penalty of up to \$500 or up to 60 days in jail for each offense.

*Mr. George Platt*, Attorney representing the owner of 219 South Atlantic Boulevard, said his position was very clear. He stated that his client was doing his best to cooperate with the City, and new plans had been established. However, he believed Florida Statutes clearly preempted the City from regulating the ages of people who could enter these facilities as long as they met the minimum age requirement of 18. He stated that Section 562.45, Florida Statutes, indicated a municipality could not enact any ordinance that regulated or prohibited those activities or business transactions of a licensee regulated by the Division of Alcoholic Beverages and Tobacco under the Beverage Law, which included Sections 561 through 568, Florida Statutes.

Mr. Platt stated that age was one of those matters that were expressly regulated by Florida law. Therefore, he did not believe the City had any legal authority to regulate age. The only restrictions permitted to be implemented by municipalities under the State Beverage Law were hours of operation, location, sanitary conditions, and the types of entertainment and conduct. He stated that laws prohibiting municipalities in this fashion had been upheld by the Florida Supreme Court and by the appellate court for this district.

Mr. Platt advised that the State Beverage Law regulated age extensively, and there was a provision that said it was illegal for any person operating any dance hall in connection with the operation of any place of business where any alcoholic beverage was sold to knowingly permit or allow any person under the age of 18 to patronize, visit or loiter. Therefore, State Law specifically allowed those 18 years of age or older.

Mr. Platt pointed out that every Commission had taken an oath to uphold the laws of the State of Florida, and he urged them to do so. He felt people between the ages of 18 and 21 had a right not to be discriminated against, and he believed making an exception for those in the military just added insult to injury because it made a laughingstock out of this law. Mr. Platt urged moderation on the part of the City. He pointed out that there was a new initiative that had recently been adopted, but it had yet to be implemented. Mr. Platt stated that there were a number of establishments in the City that wanted to work cooperatively with the community.

Mr. Platt said there had been no comprehensive study showing that people between 18 and 21 years of age had caused any significant problems in establishments where alcohol was served. He recommended that the Commission give the new initiatives a chance to work and support a phased approach beginning with a study on the subject. Mr. Platt also thought it would be a good idea to request an Attorney General's opinion on whether or not State Law preempted the City from regulating age.

*Mr. Ray Doumar*, Attorney representing Club Atlantis, agreed with Mr. Platt and stated that municipalities were "creatures of the Legislature." They lived and functioned by virtue of the Legislature, which had delegated to cities only certain abilities. Mr. Doumar stated that the ordinance referred to a definition of "restaurant" that utilized a formula of 51%. He wondered about locations like the Parrot that did not sell 51% food. The ordinance would prevent a 17-year-old from having lunch at the Parrot. He was very concerned about this definition of restaurant.

Mr. Doumar said his client had spent over \$1 million to purchase his location and another \$1 million on remodeling. He had relied upon the integrity of the City, and there had only been a single beverage violation in the past 18 months. Mr. Doumar hoped the Commission would wait for an Attorney General's opinion and reconsider this ordinance. He had furnished the City Attorney with copies of all his research in this regard, and he believed the law was absolutely clear that the City could only act in the areas of zoning, health, and location.

*Mr. Alan Forgea*, of the Lauderdale Beach Hotel, hoped everyone could agree it was okay to disagree. He stated that he was a native of Fort Lauderdale, and he had been the General Manager of the Lauderdale Beach Hotel for 15 years. At that time, the Hotel had been a frightening place, and the beach had been frightening as well with high crime rates and a horrible Spring Break clientele mostly between the ages of 18 and 21.

Mr. Forgea said everyone had decided then that they'd had enough and, in cooperation with business owners, he had started marketing the hotel to Europeans and business class clientele. He had formed and chaired the Business Group, which was an integral part of the Beach Council of the Greater Fort Lauderdale Chamber of Commerce.

Mr. Forgea stated that everyone had started to see the successes achieved by the community on the beach. He had served on the Beverage Committee formed by the City to address problems with nightclubs, and the one common denominator was that all of the problem nightclubs catered to 18 year olds. The Fort Lauderdale Police Department had also agreed that the 18 and over crowd was poor business because this clientele significantly contributed to the problems being experienced.

Mr. Forgea reported that the Beverage Committee had suggested a two-part solution to provide relief. Part one involved formation of the midnight ordinance, and the second part involved this age restriction ordinance. He believed it would take both parts to resolve the problems increasingly being faced in Fort Lauderdale. Mr. Forgea felt this solution would work well now and in the future, and it would also prohibit the opening of new potential problem bars that could care less about mixing legal age clientele with those who were cash sales at the door.

Mr. Forgea felt that certain nightclubs were tapping into a clientele that responsible operators already knew was volatile and problematic. He thought this was an opportunity to make change for the better and to ensure that the efforts of hundreds of individuals would not have been in vain. Mr. Forgea hoped the Commission would protect the community's integrity by not allowing problem nightclubs to further tarnish Fort Lauderdale's reputation. He believed the young people who were present to object to this ordinance today would emphatically thank the Commission for its wisdom in the future when they were parents, homeowners and business owners.

*Ms. Alysia Childs*, President of the Central Beach Alliance, hoped the Commission would support this ordinance. She stated that her neighbors were terrified of walking in their own neighborhood, and the Alliance had been working with everyone involved to make the beach a better place to live, work and play. Ms. Childs wanted to ensure that people felt comfortable living and visiting the beach area.

Commissioner Smith asked Ms. Childs if she had met with the operators of the Club Atlantis and if she had observed any improvement. Ms. Childs replied that there had been meetings with Michael Kent and others at the beginning of the year, and some improvements had been made, including a double entry system to lock out noise, additional security, and elimination of outside speakers. She had kept in touch with the operator on a regular basis as well, but she was still concerned that some issues had not yet been addressed.

*Mr. Samuel Rivera*, of Southwest Ranches, said he was 18 years old, and he did not drink or do drugs. He thought there was a double standard in that 18-year-olds could be tried as adults, could vote, and could die in war. He advised that Club Atlantis was very strict, and he knew people whose fake identification had been confiscated when they tried to enter the Club. Mr. Rivera thought police officers should do their jobs. He had observed people smoking marijuana at the beach, for example, and he thought the police should stop them.



Mr. Rivera liked music, and he liked to dance, and he did not feel it would be just to pass this ordinance. He thought the ordinance would only create more chaos outside the clubs. Commissioner Smith wondered why there were no clubs in Southwest Ranches. Mr. Rivera thought it might be because it had just become a town, and the area was in the "boondocks." Commissioner Smith asked him if he thought his town owed it to its youth to provide a place for teens. Mr. Rivera said he liked to come to the beach with his friends and caused no harm to anyone, and he wished people would not judge him because he was young.

*Mr. L. J. Fineman*, of Pompano Beach, said he had recently turned 21, but his girlfriend was 18. He liked to go to Club Atlantis and Chili Pepper, and he could drink because his girlfriend served as the designated driver. Mr. Fineman thought a lot of the younger people served as designated drivers, and he did not believe that banning the young people from the clubs would stop them from hanging around at the beach at night. He believed adoption of this ordinance would be a big mistake.

*Mr. Tanner Demmery*, a Fort Lauderdale native, thought adopting an ordinance discriminating against citizens under 21 and preventing them from enjoying entertainment was a weak attempt at remedying a much more complex problem. He did not think youth should be solely blamed for crimes of all society, and he felt a blanket policy that "scapegoated" the youth of Fort Lauderdale would be unfair and unacceptable. Mr. Demmery thought this was a quick-witted but lazy solution that would have far reaching, negative implications beyond denying young people their freedoms.

Mr. Demmery said he was a dedicated patron of the arts and culture, it saddened him to think that Fort Lauderdale would fail to consider that this ordinance denied young people culture and arts. He explained that he was referring to the many entertainers and bands that frequently played at miniclubs, bars, and coffee houses in Fort Lauderdale. He felt this law would deny youth the opportunity to support entertainers and deny the entertainers a dedicated audience. As a performer in bands, Mr. Demmery had observed that those under 21 years of age were instrumental in supporting music and the local music scene. He believed this would kill a downtown area that had taken years to build and that had come so far. Mr. Demmery also believed this ordinance would cripple entertainers and turn Fort Lauderdale into a wasteland, barren of social activity.

Mr. Demmery felt that if crime was a problem, the City should combat the incidents of crime without making quick judgments. He believed it was the duty of all Fort Lauderdale citizens to uphold the standard of living for all of its residents, regardless of age.

*Mr. George Ponagiotopoulos*, of Hollywood, said he had moved to Gainesville after graduation and had worked in security at a club in that town. He stated that there had been problems with drugs, and everyone seemed to consume a lot of alcohol. Mr. Ponagiotopoulos wondered what would happen when all of the young people had nowhere to go but movie theaters. He believed more and more young people would obtain fake identification, and those could be used to obtain alcoholic beverages from gas stations and supermarkets.

*Mr. Billy Bryant*, of Lauderhill, said he was 25 years old and had been going to clubs since he was 16 years old to see show and local bands. He also played in a local band, and probably 95% of his audience was under 21 years of age. Mr. Bryant stated that there were a lot of kids known as "straight edged" who did not eat meat, do drugs, drink alcohol, etc., and they were being punished because of a few who were causing trouble. He was concerned that this law would blanket everyone in the community when there were only a select few who should be addressed. Mr. Bryant pointed out that everyone was not sent to jail because one person committed a crime.

Mr. Bryant understood there were problems with one club on the beach, but this ordinance would affect establishments throughout Fort Lauderdale. He said he had visited clubs that had fights and troubles every night, but he had been to others that only had occasional trouble. He was concerned about those responsible operators who would lose their businesses because so many of their customers were under 21 years old. Mr. Bryant did not believe such clubs would be able to attract national acts any longer, and he felt the ordinance was biased towards those who were doing right. He felt those people should be rewarded while those who were doing wrong should be addressed. Mr. Bryant thought kids would just end up on the street if they had nowhere else to go.

*Mr. Mike Rivera* said he had lived in and around Fort Lauderdale for about 11 years and currently resided in Margate. He stated that he was 26 years old, and he had played in a band since he was 18. Mr. Rivera understood the problem the City was trying to address, but there were other people who would suffer as a result. He estimated that half of his band's audience fell between ages 18 and 21, and he thought the ordinance was too broad and affected far too many people.

Mr. Rivera said he was a partner in the Culture Room, and any fight or problems had involved people over 21 and had not had anything to do with kids drinking. He pointed out that the Culture Room had nothing to do with problems occurring around Club Atlantis or anywhere else, and he felt that if a law was passed it should be specific.

Commissioner Smith asked Mr. Rivera if he thought the Culture Room could survive without selling alcohol. Mr. Rivera did not believe so. He explained that the shows were held only on Sunday nights, and the other nights attracted an older crowd. Commissioner Smith pointed out that one non-alcoholic night per week could be provided. Mr. Rivera agreed that was a possibility.

*Ms. Angela Ramsey*, of Lauderhill, noted that there were other establishments in Fort Lauderdale besides those on the beach, and they would suffer if this ordinance was adopted. In addition, local bands would suffer. She said that when she had been a kid, she had not wanted to go out to get drunk but to hear the music, and she felt most kids these days shared that interest. Ms. Ramsey said she was 20 years old, and her boyfriend's band played at the Culture Room. She thought the Commission should be proud of its young citizens who were the future voters of Fort Lauderdale, and she hoped they would not destroy the music scene.

*Mr. Jason Harper*, of Sunrise, said he was 25 years old. He believed that if someone was causing trouble, no matter their age, they should be addressed. Mr. Harper was proud of Fort Lauderdale, but he was concerned that this ordinance would hurt a lot of kids who had never done anything wrong. He hoped the Commission would do the right thing.

*Mr. Steven Vazquez*, of Lauderhill, said he had been involved in the local music scene since he had been 12 or 13, and his mother had always supported him in his hobby. He stated that he was 20, so he would not be able to play in clubs if this ordinance was adopted. Mr. Vazquez advised that he was very straight and, if Club Atlantis was causing a problem, he felt it should be shut down rather than closing down every other club. He did not think this would solve the problem. Rather, it would crush hobbies and futures.

*Ms. Mary Ellen Quesnel*, of Fort Lauderdale, was not opposed to 18 to 21 year olds having a good time. However, she was concerned because crime had increased in the beach area since Dade County had passed a similar ordinance and forced its problem on Fort Lauderdale. She recalled the days of Spring Break and did not want to go back to that ugly situation. Ms. Quesnel hoped some compromise could be reached.

*Mr. Jeff Hollen*, of Coral Springs, said he was 28 years old. He thought the fact that everyone was here to discuss this subject so late spoke volumes about Fort Lauderdale – people wanted to come here. Mr. Hollen did not feel this ordinance was specific enough, and he felt there were many people who just wanted to hear some music. He advised that he had been going to clubs since he was 14 or 15 years old to see bands for inspiration, and he had been playing music for 18 years. Mr. Hollen did not think the City could take this away from kids.

Mr. Hollen felt crime was crime, and the City should target crime. He thought that if there was a problem with a single club, the City should target that particular club. If there was a specific area where there were problems, he suggested the City target that specific area. Mr. Hollen did not feel this ordinance would deal with the problem but transfer it elsewhere. He thought that if underage drinking was the problem, that was the issue that should be addressed, but he did not believe it was fair to say that the problem was young people. Mr. Hollen hoped the Commission would not pass this ordinance.

*Mr. Michael DeCamp*, of Coral Springs, thanked the Commission for the respect it had shown by hearing everyone, but the Fort Lauderdale club and bar scene provided his livelihood as a band member. He said it was nice to be in a positive environment, and the music was part of that environment. Mr. DeCamp thought it was unfair to squash the hopes, dreams and ambitions of young musicians just because of some bad policing.

*Mr. Ed Toomey*, owner of beach property including the Club Atlantis property, said he had been in the nightclub business for over 40 years. He had dealt with many bands, and he appreciated the young people, but what was missing from the room tonight were the gang members who caused all the trouble. Mr. Toomey stated that there were 50 or 60 good kids here tonight but, on Friday or Saturday nights, one could find a thousand kids out on the beach. If the other 950 were causing trouble, he thought it was unfortunate that these 50 or 60 kids had to suffer with them, but there were not enough police officers in the whole City to control such rowdy crowds. Mr. Toomey said in all the years he had been in the bar business, he had never let anyone under age in his buildings because it caused problems. He felt that if people were in bars, they were drinking, and he supported the ordinance.

Mr. Forgea noted that there had been a lot of discussion about band members who worked in various establishments. He believed the ordinance provided an exemption for employees so these bands could still work. He also encouraged those establishments with a majority of underage patrons to operate without alcoholic beverages so young people could continue to enjoy local bands.

*Ms. Kathleen Anderson*, of Hollywood, submitted a letter from a friend and said she felt this ordinance would deprive the City of its local music scene. She advised that a local band had recently been signed by a national record label due to its young fan base. Ms. Anderson believed closing the clubs to younger people would just leave them bored and on the streets. Mayor Naugle asked if there was anywhere for young people to go in Hollywood. Ms. Anderson did not believe so. Mayor Naugle wondered why, and Ms. Anderson said she had no idea either.

*Mr. Christopher Foppiano*, of Davie, pointed out that this discussion was not about kids. It was about 18- to 20-year-old adults. He believed assumptions were being made that much of the crime and many of the problems being experienced were due to this particular age group. Mr. Foppiano did not think any data had been presented that would support that assumption. He stated that he liked to go to Atlantis to dance, and he did not consider it a bar although it sold alcohol. He pointed out that bowling alleys also sold alcohol but were not considered bars, and he felt Atlantis was a dance club.

Mr. Foppiano stated that people loved Fort Lauderdale because it was "hot, hip, alive, and in." People did not come to Fort Lauderdale because it was "stagnant and safe." He pointed out that Hollywood beach was rather dead and did nowhere near as much business as Fort Lauderdale. Mr. Foppiano hoped the Commission would save Fort Lauderdale's clubs.

*Mr. Bartholmeu "Matt" Bivetto*, of Weston, said he was speaking on behalf of the local music scene, and he pointed out that most of the clubs in which local bands played were not even in the beach area. He stated that these clubs provided an opportunity for young people to socialize and have some fun, and 18-year-olds were pretty mature. Mr. Bivetto pointed out that they could vote and die for their country, and he felt they could be trusted to do the right thing even if alcohol was being sold.

*Mr. Don Carter*, of Hollywood, said he had sent e-mail to the Commission earlier this week, and his feelings had been stated already. He believed young people went to clubs to find friendship, not trouble. Mr. Carter thought that banning young people from the clubs would only force them into other environments, such as the street or private parties without any supervision. He hoped the Commission would not blanket the whole community with this ordinance. He acknowledged the difficulties involved with policing gang members, but he thought banning them from clubs would just put more of them on the streets.

*Ms. Lauren Hunt*, of Oakland Park, said she was a senior and President of Students Against Destructive Decisions (SADD). She stated that before she had found the local music scene, she and her friends had just been hanging out on the strip. Ms. Hunt believed the problems on the beach could only worsen if younger people were banned from the clubs, and she did not think this ordinance would address the problem.

*Mr. Gabriel Katz*, of Plantation, stated that the local music scene had a functional environment for young adults to enjoy music. He said that alcohol was not served to under-aged patrons under any circumstances in these clubs because they were so strict about it.

*Mr. Bill Saunders*, of Fort Lauderdale, said he was the father of 3 young men who considered him a "hard case." However, it seemed as if young people had been being "bashed" for the past 5 hours today. He thought there had to be a better way to deal with the issues. Mr. Saunders suggested the Commission work with the young people to see if there was a better way than coming down with a "heavy hammer."

*Mr. Robert Wolci*, of Fort Lauderdale, said he had originally thought this ordinance would apply only to areas east of the Intracoastal Waterway, and a reporter had been present earlier who was under the same impression. He believed many people were sorry about the demise of Spring Break because of all the revenue lost, and he recalled teen clubs of the past. Mr. Wolci felt teens needed an outlet and a means of expressing themselves. Mr. Wolci understood band members would be exempt from the ordinance as employees of the clubs, but the fans would not be exempt.

Mr. Wolci said he was caught in the middle a bit because he had recently moved to the beach area. However, he was intimidated in the area of the Club Atlantis. He stated that the kids in this room were a credit to the community, and they were not the kids causing the problems on the beach.

*Mr. Joe Hessmann*, of Fort Lauderdale, said he had been surprised by Mr. Toomey's position in this regard. He said his position was that the only way to deal with the problems was to "get into the pocketbooks" of the perpetrators. Mr. Hessmann noted that the club causing most of the problems had, within one week, come up with some changes to address the problems. He stated that cars were being broken into, gang fights were occurring, and innocent people had been robbed, beat up and stabbed in the beach area. Despite hundreds of complaints, nothing had been done until this Commission had taken a step toward "getting into their pockets." Mr. Hessmann believed that was the way this battle would be won. He did not think this battle would ever be won until society found proper places, including the beach, for young people without alcohol.

*Ms. Diane Smart*, a member of the Central Beach Alliance, agreed that a lively music scene enhanced the community, but there was also a tourism issue with hotel guests being uncomfortable on the beach. She stated that her condominium neighbors no longer felt comfortable strolling the beach at night, and the economy depended upon there being a comfortable, safe and attractive place for tourists. Ms. Smart thought everyone should be able to work together to provide a "comfortable, fun, jivey, cool" place for young people without alcohol. She felt that should be the goal, and she wished Commissioner Moore were present to address that issue.

*Mr. Chuck Malkus*, of Fort Lauderdale, said he was in the public relations business, and a great deal had been done at the beach. He pointed out that events and concerts had been staged, and he wanted to see positive changes on the beach continue. Mr. Malkus believed a lot of people had invested time and money in the beach area, but he did not think Mr. Toomey had ever done so.

Mr. Malkus recalled that there had been a teen club that did not serve alcohol located on Federal Highway called "Nemesis." However, that had been a drug-infested, crime-infested nightmare. He hoped the Commission would make the right decision and allow for controlled situations.

*Mr. Craig Fisher*, of Fort Lauderdale, said he was a businessman and a beach resident. He thought this ordinance was probably the best way to address the problems despite his mixed feelings. He agreed music was wonderful, and the young people here tonight were very respectful. However, he did not feel that way when he stood on his balcony watching people parking in his parking space, throwing rubbish on his property, and urinating on his vehicle. Mr. Fisher had been the recipient of rude and disrespectful gestures. Mr. Fisher was glad that responsible young people were present tonight to hear both sides of the story and to realize how difficult this decision was for the City Commission. He hoped the Commission would vote for what was best for the community.

*Mr. Michael Gagliardi* advised that he owned Christopher's and he used to own Rosebud's. He stated that he had received information indicating that in 1991, alcohol was not allowed in an establishment if an under-age show was being produced. In fact, clubs had to move all its alcohol into locked cabinets. Mayor Naugle asked when that had changed. Mr. Gagliardi believed it had changed in 1991, and he thought the City should go back to that solution so kids could attend shows.

Mr. Gagliardi wished to clear up an earlier statement about the teen club "Nemesis." He believed that club had been closed because it had been serving alcohol to under-aged people. Mr. Gagliardi also wanted to note that he owned 7 commercial properties, although he did not operate the Metal Factory, and the lease called for patrons of 21 years or older.

*Mr. Robert Sanders*, of Fort Lauderdale, thought it was clear there was a conflict between Club Atlantis and its neighbors. However, he had been working with Daniel Kerns, of Atlantis, over the past few weeks, and he was making efforts to make peace with the neighbors. Mr. Sanders thought Mr. Kerns should be given an opportunity to do so. He did not think it was fair to make voting age adults the scapegoats of this conflict. Mr. Sanders felt they deserved to be able to go to clubs, and if Atlantis continued to work with the neighbors, the situation could be resolved.

Mr. Sanders pointed out that the City had a midnight ordinance in place that forced clubs to work with their neighbors, so there was a tool and a mechanism to utilize. He noted that everyone lived in the community of South Florida, and people liked to come to Fort Lauderdale beach. He thought everyone should be welcomed to the beach.

*Ms. Crystal Galica*, of Hallandale, was concerned that people judged by appearances. Although she believed some people might think she was a "freak," she got good grades in school and was going to college on a scholarship. She also loved music and went to the clubs to indulge her number one love. Ms. Galica stated that most of the young adults were not even going to the beach but to clubs in other areas to see concerts. She did not feel young people were the problem, and she hoped the City Commission would not discriminate.

*Mr. Grant Hall* said he had spoken at the last hearing about problems club promoters had producing shows in the clubs. He believed all the relevant points had been discussed already, and hoped the Commission would not pass such a sweeping ordinance. Mr. Hall believed the midnight ordinance would deal with clubs that created nuisances, and he hoped the Commission would give that some time to work.

*Ms. Giselle Amerado*, of Miami Beach, said she did not like to go to the beach in Miami because there were gang members everywhere. She advised that she had been teased every day at school for being a “freak,” but when she attended concerts she felt she belonged. Ms. Amerado said she would not resort to violence if this ordinance were passed because she was not a violent person, and she did not need drugs or alcohol. However, she did need music.

*Ms. Carol Landman*, of Parkland, advised that she provided responsible vendor training at a lot of clubs. She stated that Florida Statutes did not allow military personnel under 21 years of age to drink, and it was very clear. Ms. Landman reported that Atlantis had recently purchased two ID machines to help their door personnel identify under age people, because it was so easy to get false ID over the Internet. She noted that the City was still not addressing convenience stores, and she had picked up some “drug bags” in the parking lot of one on her way to this meeting.

Ms. Landman pointed out that under-age sale of alcohol in restaurants was not being addressed either, and she was concerned about the 51% provision of this ordinance. According to the Department of Business and Professional Regulation, restaurants did not have to sell 51% food in order to get a restaurant license. Therefore, she did not understand why that provision had been used in the ordinance.

At 11:40 P.M., Commissioner Hutchinson left the meeting. She returned at 11:42 P.M.

*Ms. Aija Katubi* said she was a 21-year-old college student, and she had hung out at the strip when she was a young teenager. However, once she had turned 18 and was admitted to clubs, she stopped hanging around on the street. She believed that if young adults were banned from clubs, they would have no choice but to hang out on the streets.

*Mr. Benjamin Rose* advised that he was 26 years old. He understood that there were incidents outside Club Atlantis, and there had even been a stabbing, but he did not think the Club should be blamed. He wondered if City Commission meetings would be considered bad if an incident occurred outside City Hall. Mr. Rose agreed there was a problem, but he did not think anyone knew the source, so he urged caution.

Mr. Rose said that with the exception of the past few weeks, he did not usually see police officers walking on the beach. Rather, he saw them driving along with their windows up and air conditioning on, and with their heads turned toward young ladies wearing thongs. Mr. Rose advised that he was out on the beach every day, and he believed the police presence made a difference. He hoped the Commission would postpone this vote for another month to take a harder look at the cause of the problems.

Commissioner Smith stated that 5 sexual assaults had occurred recently inside Club Atlantis. Mr. Rose said he would investigate that further, and he hoped the Commission would do so as well.

*Mr. Daniel Kearns*, Club Atlantis, said he understood the problems at the beach and the concerns of the neighbors and the Commission. He stated that he had been aggressive for the past 5 months, and he had worked with his neighbors to come up with a solution. Recently, because of rising crime rates, he had been receiving more cooperation, and he appreciated that as a businessman.

Mr. Kearns did not want young people to lose any rights because of his club. He stated that he had obtained varying reports from the Police Department about incidents in the area, and there had been 29 arrests of people under 21 years of age over the past 6 months. However, some 180,000 people had visited Club Atlantis during the same time period. He stated that the Club had a capacity of 1,800 and, if he did as suggested and held a "teen night" once a week, the City Commission would have more calls and e-mails than they'd ever seen before. Mr. Kearns was sure the neighbors would be "up in arms" if he attempted such a teen night.

Mr. Kearns advised that a plan had been developed, which had been distributed to the City Commission, and he was working very hard with the community to resolve any problems within his control. He stated that Club Atlantis was a success, and a lot of people came to this venue, but he did not think he should be penalized for that fact. Mr. Kearns asked the Commission to table this ordinance for 90 days to allow time to examine the data that was available and to allow an opportunity to see how the various initiatives would work.

*Mr. John Amodeo* said he was a beach business owner and resident, and he was Chairman of the Beach Redevelopment Board. He appreciated the viewpoint of the young people who had appeared this evening, but there were an awful lot of problems with some of the kids who did not do the right thing. Mr. Amodeo said that on any given weekend, those kids were all over the streets at the beach, and it was problematic. They were drinking and doing drugs, and he felt there should be some control over these activities.

Mr. Amodeo stated that he had recently had to close his Sloop John B restaurant down at 10:30 P.M. because kids were throwing furniture into the street. He understood there were various music venues at risk, and he did not want to put anyone out of work or penalize the good kids, but if there was that much of a call for such venues, he believed someone would open a club without alcohol for young adults. Mr. Amodeo agreed it was a shame that some were making things difficult for others, but there was an extreme problem on the beach.

Mr. Doumar felt the ordinance was flawed. He stated that the City did not have the authority to adopt this ordinance because it was not one of the authorities allowed municipalities by the Legislature. He reiterated that the City could only regulate zoning, operating hours, and health and sanitation. Mr. Doumar thought this was probably an exercise in futility, and he suggested the Commission discuss this further with the City Attorney and postpone this decision.

*Mr. Thomas Edmond* said he was a disc jockey at a local bar called J's. He stated that he was a gay man working in a club operated by lesbians less than 5 minutes from City Hall. Since moving into that location, he believed the club had done more for the surrounding community than anyone else by taking kids off the streets. Mr. Edmond stated that parents wanted to know where their kids were going and that they were in familiar territory, and he felt this ordinance would hurt Fort Lauderdale.

*Mr. Dieter Fischer*, one of the owners of J's, said none of his neighbors were here complaining about his establishment that permitted young adults to enter. He stated that he patrolled his establishment and carded customers. He provided sufficient security to ensure teenagers were not drinking, and they came to dance and have a good time. Mr. Fischer said he did not allow gangs, and he did not allow people to hang around in the parking lot. He did not think he should be punished because other operators were not as responsible, and he opposed any blanket solution.



*Mr. Jason Wells*, of Plantation, said he was 29 years old and he liked Club Atlantis. He stated that he did not see kids in Club Atlantis. He had also been present when there had been trouble in the past, but it had been expertly handled by the club bouncers. Mr. Wells felt this ordinance would deny young adults one of their fundamental Constitutional rights – the right to pursue happiness. He suggested greater cooperation between condominium residents and the police, perhaps by providing greater security at unmanned parking lots. Mr. Wells felt some good ideas had been mentioned that should be explored rather than punishing everyone for problems caused by a few.

Mayor Naugle noted that one of the weekly tabloids had written a story recently about some of the Commissioners visiting the beach at night. He had not had a police escort, and he estimated that only about 10% of the young people he had observed were City residents. Although that was just an estimate, it appeared most of those who had spoken tonight were not City residents either. Mayor Naugle did not think Fort Lauderdale could serve as the playground for 96% of the kids in South Florida. He did not think City taxpayers could shoulder this entire burden.

Mayor Naugle agreed there should be different venues for young people to enjoy, but it was the City Commission's job to take care of its residents while the other communities addressed needs within their own communities. He supported the ordinance.

Commissioner Katz asked the Police Chief to comment. The Police Chief stated that there was a lot of data available. He reported that a six-month study of three locations had been conducted – Roxy's, Club Atlantis, and Emerald City. Emerald City had since closed but, at that time, 44% of all arrests had involved people under age 21. The Police Chief wanted to commend the young people who were here tonight exercising the democratic process, but they were not the kids the Police Department was dealing with on the streets.

The Police Chief advised that a profile had also been done through August of this year, and one of the growth industries had been under-aged clubs. He listed some of them, and he advised that there were 10 of these establishments with a maximum capacity of almost 5,000 patrons. The Police Chief advised that there had been over 1,000 calls for police service at these clubs. He thought it was ironic that the Club Atlantis was now anxious to be cooperative, but a keystone of the program involved hiring 7 police officers to maintain order. The Police Chief stated that there had been 97 arrests over the past 6 months at Club Atlantis. Further, 54% of the arrests involved people who did not live in Fort Lauderdale, and 23% had been from outside Broward County altogether.

The Police Chief reported that there was a disproportionate number of club drug overdoses at area emergency rooms from under-21 clubs. He also advised that there was no reason clubs could not exist as venues for the local music scene, but that did not mean that alcohol had to be sold. The Police Chief felt music was a very positive thing in everyone's life, but he was concerned because speakers had indicated that alcohol was not served to those who were under-age, yet they were unwilling to eliminate it from the program.

Commissioner Katz thanked the Police Chief and the City Attorney's Office for meeting with various club owners in a productive exchange. As far as Club Atlantis was concerned, Commissioner Katz thought it would have been better if a plan had been developed months ago. Nevertheless, at least there was a plan, and Commissioner Katz was interested in seeing if the operator would follow through. She suggested this ordinance be adopted on first reading with time allowed to observe conditions at Club Atlantis before second reading.

Commissioner Smith felt a strong case had been made for adopting this ordinance on first reading. He thought the City Commission had a responsibility to protect its citizenry and provide a safe living environment.

Commissioner Hutchinson believed this whole situation had started with Roxy's, but she had not heard anything about that club lately. It was apparent that there was a problem on the beach, but she did not believe that was a case Citywide, and every conversation in this regard seemed to revolve around Club Atlantis. Commissioner Hutchinson commended Club Atlantis for presenting an action plan, but she wished it had been presented months ago. She stated that she would support this ordinance if it could be applied only to the beach area, but she was not comfortable supporting it Citywide. Commissioner Hutchinson thought the tool created to address the problem had been adoption of the midnight ordinance, but everyone seemed to have forgotten about it.

Commissioner Smith asked the City Attorney if the City could be split for application only in certain areas. He was also interested in his opinion as to whether the City had the authority to adopt this ordinance. The City Attorney believed the ordinance, as presented, was legally defensible. He stated that there had been no court case to decide this issue, so if this issue were ever presented to a judge, it would be a case of first impression. The City Attorney said that would be the only way to obtain a definitive answer to the questions raised by Mr. Doumar. However, he did not think the ordinance would be defensible if it were applied to only one part of the City, and it would be even less defensible if it were applied to a particular establishment.

Commissioner Smith introduced the following ordinance on first reading:

ORDINANCE NO. C-00-54

AN ORDINANCE AMENDING CHAPTER 5 OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, CREATING SECTION 5-36, ENTITLED "PATRON AGE RESTRICTIONS," PROHIBITING PERSONS UNDER THE AGE OF 21 FROM ENTERING OR REMAINING, OR FROM BEING PERMITTED TO ENTER OR REMAIN, WITHIN ALCOHOLIC BEVERAGE ESTABLISHMENTS, PROVIDING FOR DEFINITIONS, EXCEPTIONS AND AN EFFECTIVE DATE.

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Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Katz, Smith, and Mayor Naugle. NAYS: Commissioner Hutchinson.

Mayor Naugle requested an update in this regard when the ordinance was presented on second reading at 6:00 P.M. on October 3, 2000.

**Consent Agenda ..... (CA)**

The following items were listed on the agenda for approval as recommended. The City Manager reviewed each item and observations were made as shown. The following statement was read:

Those matters included under the Consent Agenda are self-explanatory and are not expected to require detailed review or discussion. Items will be enacted by one motion; if discussion is desired by any Commissioner or member of the public, however, that item may be removed from the Consent Agenda and considered separately.

**Event Agreement – Himmarshee Village Antique Show****(M-1)**

A motion authorizing the proper City officials to execute an Insurance, Indemnification, and Hold Harmless Agreement with the **Old Town at Riverwalk Merchants Association** to indemnify, protect, and hold harmless the City from any liability in connection with the **Himmarshee Village Antique Show** to be held on the following **Sundays from 11:00 a.m. to 7:00 p.m.: October 8 and 22, November 5 and 19, and December 17, 2000**; and further authorizing the closing of S.W. 2 Avenue from S.W. 2 Street to the Riverwalk.

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 00-1334 from City Manager.

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**Event Agreement – Making Strides Against Breast Cancer****(M-2)**

A motion authorizing the proper City officials to execute an Insurance, Indemnification, and Hold Harmless Agreement with the **American Cancer Society** to indemnify, protect, and hold harmless the City from any liability in connection with **Making Strides Against Breast Cancer** to be held **Saturday, November 4, 2000 from 7:00 a.m. to 2:00 p.m. at** Hugh Taylor Birch State Recreation Area and beach area sidewalks.

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 00-1345 from City Manager.

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**Agreement – Aldridge Properties, Inc. – Warehouse Space****(M-3)**

A motion authorizing the proper City officials to execute a renewal agreement with Aldridge Properties, Inc. for the Parks and Recreation Department to lease warehouse space at 1420 S.W. 3 Avenue for the period of November 1, 2000 through October 31, 2001.

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 00-1254 from City Manager.

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**Agreements – State of Florida, Department of Health, Tobacco Prevention and Control, and the Department of Children and Families – Sponsorship for Scoreboard and Park Facilities****(M-4)**

A motion authorizing the proper City officials to execute those documents necessary to provide for two separate sponsorship agreements with the State of Florida, Department of Health, Tobacco Prevention and Control, and the Department of Children and Families.

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 00-1346 from City Manager.

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**Agreement – Broward County****Cultural Affairs Council – Community Arts and Education Project****(M-5)**

A motion authorizing the proper City officials to execute an agreement with the Broward County Cultural Affairs Council to accept a grant in an amount not to exceed \$20,000 to offer a comprehensive fine arts program for culturally underserved youth in the City.

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 00-1253 from City Manager.

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**Disbursement of Funds –****Joint Investigation – O. R. No. 99-74379 - \$39,958.77 U. S. Currency****(M-6)**

A motion authorizing the equitable disbursement of funds in the amount of \$2,350.51 for each of the 17 law enforcement agencies that participated in the seizure.

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 00-9-1 from City Attorney.

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**Disbursement of Funds –****Joint Investigation – O. R. No. 98-59267 - \$11,865.60 U. S. Currency****(M-7)**

A motion authorizing the equitable disbursement of funds in the amount of \$624.50 for each of the 19 law enforcement agencies that participated in the seizure.

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 00-9-2 from City Attorney.

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**Disbursement of Funds –****Joint Investigation – O. R. No. 00-11443 - \$7,143.14 U. S. Currency****(M-8)**

A motion authorizing the equitable disbursement of funds in the amount of \$420.18 for each of the 17 law enforcement agencies that participated in the seizure.

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 00-9-3 from City Attorney.

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**Disbursement of Funds –****Joint Investigation – O. R. No. 99-112108 - \$65,764.27 U. S. Currency****(M-9)**

A motion authorizing the equitable disbursement of funds in the amount of \$3,653.57 for each of the 18 law enforcement agencies that participated in the seizure.

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 00-9-5 from City Attorney.

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**Disbursement of Funds –****Joint Investigation – O. R. No. 00-11436 - \$83,082.34 U. S. Currency****(M-10)**

A motion authorizing the equitable disbursement of funds in the amount of \$4,887.19 for each of the 17 law enforcement agencies that participated in the seizure.

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 00-9-6 from City Attorney.

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**Grant Administration – Broward County****Chief's Association, Florida Motor Vehicle Theft Prevention Authority –****OPERATION RIGHT TRAC (Tools for Reducing Auto Crimes) – FY 2000/2001****(M-11)**

A motion authorizing the Police Department to serve as pass-through administrator of the Broward County Chief's Association, Florida Motor Vehicle Theft Prevention Authority (FMVTPA) FY 2000/2001 grant in support of OPERATION RIGHT TRAC; and further authorizing the proper City officials to execute all documents necessary for administration of such grant.

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 00-903 from City Manager.

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**Grant Agreement – Florida Motor Vehicle Theft Prevention Authority -****FY 2000/2001 Police Officer Auto Theft Training Program (POATTP)****(M-12)**

A motion authorizing the proper City officials to accept the Florida Motor Vehicle Theft Prevention Authority (FMVTPA) grant in the amount of \$5,400; and further authorizing the proper City officials to execute all documents necessary to accept such grant funds.

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 00-1094 from City Manager.

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**Transfer of Law Enforcement Trust Funds (LETf) –****Fiscal Year 2000/20001 Confiscation Operating Budget and Carryforward****(M-13)**

A motion authorizing the proper City officials to transfer \$436,350 from the LETf to various accounts to fund the FY 2000/20001 Confiscation Operating Budget; and further authorizing the carryforward of previously approved appropriations from LETf totaling \$14,739.

**Funds:** See Memo

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 00-1328 from City Manager.

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**Transfer of Law Enforcement****Trust Funds (LETf) - School Resources Officers for FY 2000/2001****(M-14)**

A motion authorizing the proper City officials to transfer \$334,168 from the LETf to various accounts for four (4) School Resource Officers' salaries and operating expenses for FY 2000/2001; and further authorizing the transfer of funds from LETf to the FY 1999/2000 School Resource Officer budget to cover overtime charges, which will be reimbursed into LETf Revenue Account.

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 00-1329 from City Manager.

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**Lease Agreement – Philip E. Morgaman, Trustee –****Community Policing Center at 1113 East Sunrise Boulevard****(M-15)**

A motion authorizing the proper City officials to execute a one-year lease agreement with Philip E. Morgaman, Trustee for the Community Policing Center located at 1113 East Sunrise Boulevard, at an annual cost of \$42,000.

**Funds:** See Memo

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 00-1157 from City Manager.

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**Amended and Restated Lease Agreement –****RSP II Barnett Bank Plaza, Ltd. – City Hall Parking Garage****(M-16)**

A motion authorizing the proper City officials to execute an amended and restated lease agreement with RSP II Barnett Bank Plaza, Ltd. for the City Hall Parking Garage.

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 00-1343 from City Manager.

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**Dock Usage Agreement – Marine Industries****Association of South Florida and Yachting Promotions, Inc. -****Las Olas Municipal Marina – 2000 Fort Lauderdale International Boat Show****(M-17)**

A motion authorizing the proper City officials to execute a dock usage agreement with the Marine Industries Association of South Florida, Inc. and Yachting Promotions, Inc. for use of the Las Olas Municipal Marina in connection with the 2000 Fort Lauderdale International Boat Show.

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 00-1332 from City Manager.

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**Interlocal Agreement – Broward County Mass Transit and Agreement with the United Residents Council Inc. – Use of Van by United Residents Council** (M-18)

A motion authorizing the proper City officials to execute an interlocal agreement with Broward County Mass Transit and an agreement with the United Residents Council, Inc. for use of the van by the United Residents Council for three years, with 2 one-year options. (Also see Item M-25 on this Agenda)

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 00-1307 from City Manager.

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**Conversion of Position from Temporary to Permanent Status – Administrative Aide for HOPWA Operation – Community and Economic Development Department** (M-19)

A motion authorizing the conversion of the Administrative Aide for HOPWA operations position from temporary to permanent status in the Community and Economic Development Department.

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 00-1308 from City Manager.

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**Grant Agreement – Florida Department of Environmental Protection (DEP), Florida Recreation Development Assistance Program (FRDAP) – Improvements to Holiday Park** (M-20)

A motion authorizing the proper City officials to execute a project grant agreement with DEP, FRDAP to accept a grant in the amount of \$150,000 for improvements to Holiday Park.

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 00-1330 from City Manager.

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**Use of Parks General Obligation Bonds (GOB) – Interest Earnings for Funding of Parks GOB Personnel** (M-21)

A motion authorizing the use of Parks GOB interest earnings for the funding of Parks GOB personnel through September 30, 2001.

**Funds:** See Memo

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 00-1349 from City Manager.

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**Change Order No. 1 – Coastal Contracting and Development, Inc. – Project 9571 – Fire Station Safety Modifications** (M-22)

A motion authorizing the proper City officials to execute Change Order No. 1 with Coastal Contracting and Development, Inc. in the amount of \$21,077 for additional work at various City fire stations.

**Funds:** See Change Order

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 00-1296 from City Manager.

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**Task Order No. 40 – CH2M Hill – Project 9076 - Wastewater Conveyance System Long-Term Remediation Program** (M-23)

A motion authorizing the proper City officials to execute an agreement and Task Order No. 40 with CH2M Hill in the amount of \$798,710 to develop a Wastewater Conveyance System Long-Term Remediation Program and assist with initial implementation.

**Funds:** See Memo

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 00-1041 from City Manager.

---

**Task Order – Carr Smith Corradino – Project 10118 – Engineering Design Services – North Fork New River Dredging** (M-24)

A motion authorizing the proper City officials to execute a task order with Carr Smith Corradino in the amount of \$42,820 for engineering design services for survey, design and permitting for the North Fork New River dredging.

**Funds:** See Memo

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 00-1184 from City Manager.

---

**Agreements – Broward County Mass Transit and Downtown Fort Lauderdale Transportation Management Association (TMA) – Public Transportation Services, Second Street Shuttle Service** (M-25)

A motion authorizing the proper City officials to execute an agreement with Broward County Mass Transit to fund the Second Street Shuttle Service; and further authorizing the proper City officials to execute an agreement with the Downtown Fort Lauderdale TMA to provide such services. (Also see Item M-18 on this Agenda)

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 00-1286 from City Manager.

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**Grant Acceptance – Department of Community Affairs and Agreement – Fort Lauderdale Transportation Management Association (TMA)** (M-26)

A motion authorizing the proper City officials to execute all documents necessary to accept grant funding from the Department of Community Affairs for partial funding of a transportation project; and further authorizing the proper City officials to execute an agreement with the Fort Lauderdale TMA to provide services described in the grant application.

**Funds:** See Memo

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 00-1321 from City Manager.

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**Annual Membership Dues – Fort Lauderdale Transportation Management Association (TMA)** (M-27)

A motion authorizing the renewal of membership with the Fort Lauderdale TMA for FY 2000/2001 in the amount of \$10,000.

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 00-1285 from City Manager.

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**Transfer of General Fund Contingencies - Funding for Broward Urban River Trails, Inc. (BURT)** (M-28)

A motion authorizing funding in the amount of \$15,000 be donated to Broward Urban River Trails, Inc., dedicated to the preservation and improvement of the City's waterways. (Requested by Mayor Naugle)

**Funds:** Transfer \$15,000 from General Fund Contingencies (FD-001-9950) to PKR010101-3299 (Other Services) – effective October 1, 2000.

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 00-1373 from City Manager.

---

**Task Order – Recreational Design and Construction, Inc. – Permanent Road Closure for Seminole Drive** (M-29)

A motion authorizing the proper City officials to execute a Task Order with Recreational Design and Construction, Inc. in the amount of \$44,620 for the construction of a permanent road closure on Seminole Drive, south of N.E. 11 Street.

**Funds:** See Memo

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 00-1295 from City Manager.

PURCHASING AGENDA
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<b>Bid No.</b>	<b>Item/Service</b>	<b>Low Responsible Bidder</b>	<b>Amount</b>
			<u>Pur-1</u>
State	Purchase of one sedan Admin. Serv./Fleet	Garber Chevrolet, Inc. Green Cove Springs, FL	\$18,951.00

Bids Solicited/Received: N/A

Exhibits: Memorandum No. 00-1252 from City Manager

Recomm: Approve purchase from Florida State Contract.

			<u>Pur-2</u>
702-8333	Purchase of two chassis/ cab with trash bodies Admin. Serv./Fleet	Container Systems & Equip. Co., Inc. Daytona Beach, FL	\$ 189,128.00

Bids Solicited/Received: 72/2 with 3 no bids

Exhibits: Memorandum No. 00-1333 from City Manager

Remarks: Transfer \$189,128.00 from Sanitation retained earnings to the Fleet Fund (ADM030501-6416).

Recomm: Award to single responsive and responsible bidder with transfer of funds.

			<u>Pur-3</u>
	Stop-loss insurance for group health benefits and administrative fee for dental coverage Finance/Risk	USA Services Group, Inc. Ft. Lauderdale, FL	\$ 285,000.00 (estimated annual)

Bids Solicited/Received: N/A

Exhibits: Memorandum No. 00-1323 from City Manager

Remarks: The Purchasing Division has reviewed this item and agrees with the recommendation.

Recomm: Approve additional contract cost.

Bid No.	Item/Service	Low Responsible Bidder	Amount
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572-7797	Assignment of two contracts & request for interim contract extension for workers' compensation managed care services	Protegrity Services, Inc. Louisville, KY	<u>Pur-4</u> \$350,000.00 (estimated)
582-7841	Finance/Risk		

Bids Solicited/Received: N/A

Exhibits: Memorandum No. 00-1325 from City ManagerRemarks: The Purchasing Division has reviewed this item and agrees with the recommendation.Recomm: Approve contract assignments and interim contract extension.

S-03-98	One year contract extension for maintenance of computer aided dispatch and records management system	Verizon/GTE Tampa, FL	<u>Pur-5</u> N/A
	Police		

Bids Solicited/Received: N/A

Exhibits: Memorandum No. 00-1318 from City ManagerRemarks: The Purchasing Division has reviewed this item and agrees with the recommendation.Recomm: Approve contract extension.

State SBBC	Purchase of office furniture	Corporate Express Deerfield Beach, FL	<u>Pur-6</u> \$ 78,052.40
	Police	Thomas W. Ruff Miramar, FL	10,123.90
		Herman Miller Hollywood, FL	<u>1,490.16</u>
			\$ 89,666.46 (estimated)

Bids Solicited/Received: N/A

Exhibits: Memorandum No. 00-1306 from City ManagerRecomm: Approve purchases from State of Florida and Broward County School Board Contracts.

<b>Bid No.</b>	<b>Item/Service</b>	<b>Low Responsible Bidder</b>	<b>Amount</b>
			<u>Pur-7</u>
602-8267	Six-month trial contract for water meter rotation program with award of one year contracts for water meters and	Metro Meter Services, Inc. Owensboro, KY Invensys Measurement Services Raleigh, NC	\$645,556.00
818,810.68	component parts; a two-year extension of an existing contract and a change order to increase encumbrance of water meters and component parts Public Services	Badger Meter, Inc. (extension) Milwaukee, WI	<u>1,922,000.00</u> \$3,901,366.68

Bids Solicited/Received: 16/3 with 2 no bids

Exhibits: Memorandum No. 00-1137 from City Manager

Remarks: The Purchasing Division has reviewed this item and agrees with the recommendation.

Recomm: Award to first ranked proposer(s).

			<u>Pur-8</u>
612-8350	Purchase of ductile iron A&B Pipe and Supply, Inc. (MBE) pipe and C-900 PVC pipe with waiver of legal advertisement	Miami, FL Hughes Supply, Inc. Pompano Beach, FL	\$86,825.00
<u>6,315.00</u>	Public Services		\$93,140.00

Bids Solicited/Received: 13/6 with 2 no bids

Exhibits: Memorandum No. 00-1311 from City Manager

Remarks: The Purchasing Division has reviewed this item and agrees with the recommendation.

Recomm: Award to low responsive and responsible bidders and waive requirements for legal advertisement and prior approval of purchases through September 30, 2000.

<b>Bid No.</b>	<b>Item/Service</b>	<b>Low Responsible Bidder</b>	<b>Amount</b>
			<u>Pur-9</u>
	Four year and three month contract for sludge hauling Public Services	Azurix/J&J Baker Enterprises, Inc. Punta Gorda, FL	\$878,700.00 (estimated annual total)

Bids Solicited/Received: N/A

Exhibits: Memorandum No. 00-1282 from City Manager

Remarks: The Purchasing Division has reviewed this item and agrees with the recommendation.

Recomm: Approve contract from balance of City of Hollywood contract.

It was announced that Consent Agenda **Item No. M-16** required approval by resolution of the City Commission; therefore, it was **deleted** from the Consent Agenda pending action by formal resolution.

**Motion** made by Commissioner Hutchinson and seconded by Commissioner Smith that Consent Agenda Item Nos. M-17, M-23, M-27, M-28, and Pur. 2 be deleted from the Consent Agenda and considered separately, and that all remaining Consent Agenda Items be approved as recommended. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

**Dock Usage Agreement – Marine Industries Association of South Florida and Yachting Promotions, Inc. – Las Olas Municipal Marina – 2000 Fort Lauderdale International Boat Show ..... (M-17)**

Commissioner Smith said some neighborhoods felt some additional marine patrol was in order because the situation on the water had been dangerous last year. Assistant Police Chief Bob Pusins stated that 2 marine units were assigned to the Boat Show during the weekend, and an additional marine unit was assigned during the set-up stage and on weekdays. Commissioner Smith asked how that compared to last year, and Chief Pusins replied that the same plan had been utilized for at least the past six years. He also advised that all the police, including those on land, were paid by the Show's producers.

Mayor Naugle asked what neighborhoods had expressed concern. Commissioner Smith said he had received calls from the Idlewyld neighborhood. He just wanted the Police Department to aware that there had been comments in this regard.

**Motion** made by Commissioner Smith and seconded by Commissioner Hutchinson that Consent Agenda Item No. M-17 be approved as recommended. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

**Task Order No. 40 – CH2M Hill – Project 9076 –  
Wastewater Conveyance System Long-Term Remediation Program ..... (M-23)**

Commissioner Katz wondered if this task could be done by in-house personnel. She thought it would be less expensive to hire a staff member than to pay almost \$800,000 to a consultant. Mr. Mike Bailey, Public Services Department, advised that there were personnel in charge of the video inspection cameras. However, this task was a fairly large undertaking that would involve a lot of consultant staff time, and it involved much more than video inspection. In addition, a significant portion involved a complex computerized model.

Commissioner Katz asked if an RFP had been issued. Mr. Bailey replied that CH2M Hill was the City's general wastewater consultant, which had been hired through the competitive process. Commissioner Katz understood the general contract had been awarded 9 years ago. Mayor Naugle believed the City had an awful wastewater consultant before that it had been refreshing when this company had been awarded the contract.

Commissioner Smith understood some 50% of the flow was infiltration into the sewer pipes. Mr. Bailey agreed that was correct. Commissioner Smith also understood that if the pipes were properly lined, there would be 50% less material going into the Lohmeyer Treatment Plant. Mayor Naugle stated there was always some inflow, and pipes were being replaced in many cases, too. Commissioner Smith was wondering about the savings that could be realized if the groundwater was not allowed to creep into the sewer system. Mr. Bailey believed monetary savings would be in avoiding having to construct improvements or increase capacity at the wastewater treatment plant. In addition, more equipment would be needed eventually, and there was not much space left at the plant.

Mayor Naugle believed this would allow the City to put more areas on sewers and address some of the growth anticipated in the City, in order to provide additional capacity without having to expand the plant. There were also questions about deep well injection for liquids, and he thought there would be fewer permit problems if the flow were reduced. Overall, Mayor Naugle felt this was a pretty important project.

**Motion** made by Commissioner Smith and seconded by Commissioner Hutchinson that Consent Agenda Item No. M-23 be approved as recommended. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

**Annual Membership Dues – Fort Lauderdale  
Transportation Management Association (TMA) ..... (M-27)**

Commissioner Katz said she had received some information in this regard that indicated the City was giving about \$250,000 to the TMA this year, and to have to pay \$10,000 in dues on top of that "rubbed her the wrong way." She had noticed discrepancies in the dues amounts from the list of members. Commissioner Katz felt the City was also being asked to pay twice for certain administration costs.

Mr. Horace McHugh, Assistant to the City Manager, stated that the monies approved under Item Nos. M-25 and M-26 were project specific and being passed through the City from other agencies. He noted that those included operation, maintenance, auditing, and reporting, and the \$10,000 was a general administrative membership fee. Mr. McHugh advised that the TMA provided things other than just shuttle services, including bus shelters, and other transportation oriented services.

Commissioner Katz still felt the City was paying double, and she thought the dues should be less. Mr. McHugh said he could ask the TMA Board to consider an amended amount, such as \$5,000.

Motion made by Commissioner Katz to authorize renewal of membership with the Fort Lauderdale TMA for FY 2000/2001 in the amount of \$5,000. Motion died for lack of a second.

Commissioner Smith pointed out that there were a lot of other mass transit concerns that were not being handled in areas such as the Galt Ocean Mile and the beach. He wondered if the Tmax or other smaller shuttles could be utilized. Mr. McHugh believed efforts were moving in that direction.

**Motion** made by Commissioner Hutchinson and seconded by Commissioner Smith that Consent Agenda Item No. M-27 be approved as recommended. Roll call showed: YEAS: Commissioners Hutchinson, Smith, and Mayor Naugle. NAYS: Commissioner Katz.

**Transfer of General Fund Contingencies – Funding for Broward Urban River Trails, Inc. (BURT) ..... (M-28)**

Commissioner Katz wondered if the City could really afford this funding while negotiations with bargaining units were still pending. The City Manager did not think \$15,000 would make a material difference in terms of labor negotiations.

**Motion** made by Commissioner Smith and seconded by Commissioner Hutchinson that Consent Agenda Item No. M-28 be approved as recommended. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

**Bid 702-8333 – Two Chassis/Cab with Trash Bodies ..... (Pur. 2)**

Commissioner Hutchinson said she had pulled this item because *Mr. Bob Arrington*, of Freightliner, had some concerns he wished to address. Mr. John Hoezle, Fleet Manager, stated that staff had been given another opportunity to go back and look at this contract since the last Commission meeting, and a more detailed report had been provided. He felt staff had been more than fair with Freightliner and its prototype unit as detailed in the report.

Mr. Arrington said he had received staff's report this evening. He referred to item 1 and stated that his product met the requirement for the first step, but there were two more steps up to the cab. Mr. Arrington stated that his company had agreed to add a bifold door at no charge to the City on the left hand side, and he pointed out that the prototype had been modified to add a handle so there was no need for anyone to grab the steering wheel when entering the vehicle. In addition, non-slip grid was provided on the steps to address any problems with slipping, and Mr. Arrington did not feel that was an issue.

Mr. Arrington stated that the cab had been modified to provide more elbow room, and he believed visibility was better all around. He advised that his firm had four parts facilities in South Florida to support the product, and he did not believe the comparable chart provided was quite accurate. For example, he stated that items 4 and 5 were no longer an issue because bifold doors were provided on both sides of the product, and item 6 did not apply because a safety strap had been provided.

Mr. Arrington said that item 8 referred to safety standards. He stated that there was a new standard prohibiting operation at more than 20 MPH when the driver was in a certain position. Mr. Arrington understood it was not a law, but it was a standard accepted by the industry. He advised that door vents had been added at no cost to the City, and a dual fiberglass roof had been provided in lieu of a padded headliner. In addition, the low bidder was offering an antiquated transmission shift.

Mr. Arrington stated that silicone hoses were no longer being used because they leaked, and his company offered hoses that had much longer lives. Further, his company had not proposed a tandem rear axle as indicated in the material distributed to the Commission, although the prototype had a tandem axle. He stated that he wanted to work with Fleet Services, and he hoped the changes made to the prototype were acceptable. Mr. Arrington acknowledged that it was still true that there were two additional steps beyond the initial 18" step level.

*Mr. Bill Young*, Container Systems & Equipment Company, Inc., believed the entrance height on the left side of the cab was the critical issue. He provided photographs of the different products and pointed out that there was a dramatic difference in the step heights and the steering wheel heights. Mr. Young said that was very important because the workers climbed in and out of the cab many times per day, and it was just more efficient at the lower height. He agreed the bi-fold doors would make it more convenient, but he thought it would be fairly dangerous.

Mr. Young stated that the transmission he proposed had been around for many years, and it had proven to be very efficient and low maintenance in this type of truck. Commissioner Smith believed the controversial item had been the entryway, and he felt that issue had been addressed. He said he had been a little concerned about cost differences, but the material indicated men could be entering the vehicle as many as 100 times per day, so he felt the cost difference was reasonable. Commissioner Smith supported staff's recommendation, as did Commissioner Katz.

Motion made by Commissioner Smith and seconded by Commissioner Katz to approve Consent Agenda Item No. Pur. 2 as recommended. Roll call showed: YEAS: Commissioners Katz and Smith. NAYS: Commissioner Hutchinson and Mayor Naugle.

Mayor Naugle said he was comfortable going with the low bid. In the alternative, he thought the contract should be rebid. He was concerned any time there was a single bidder, particularly when purchasing something as common as a garbage truck. Mayor Naugle felt that was an indication that the specifications were too tight. The Purchasing Director stated that bid invitations had been sent out to 72 different companies, and it had been advertised. He reported that 25 companies had requested specifications.

The Purchasing Director advised that the specifications were not the most generic. He stated that the Fleet Manager and sanitation staff felt the step issue was very important. However, if the Commission was uncomfortable with the recommendation, he would recommend the contract be rebid. He did not feel it was fair to allow any bidder to offer modifications after the fact. Mayor Naugle asked if any of the companies had offered reasons for not bidding. The Purchasing Director said he could not respond because he had been out on vacation, but he would guess they had been unable to meet the specifications.



Commissioner Hutchinson supported rebidding the contract. Commissioner Katz pointed out that this was a business decision, and Commissioners were not experts in this respect. Mayor Naugle pointed out that he had been serving on the Commission for 16 years, and he was quite familiar with the issues.

Mr. Ed Udvardy, Public Services Department, stated that staff had examined a number of different factors, including performance, safety, cost, reliability, efficiency, etc. He believed there were some providers who could meet the specification calling for a low-entry cab, and it had worked well for the City in the past. Mr. Udvardy noted that the City had 10 of these vehicles in operation, and they were working very efficiently. Mayor Naugle felt that if there was only 1 truck in the world that would meet the City's needs, it should have been presented as a proprietary purchase.

It was the consensus of the Commission to rebid this contract.

### MOTIONS

Those matters included under the Motions category differ from the Consent Agenda in that items will be voted on individually. In addition, presentations will be made on each motion item if so desired.

**Acceptance of Donation -  
Development of Hyde Park Market Property ..... (M-30)**

A motion was presented authorizing the acceptance of a contribution towards the development of the Hyde Park Market property. Mayor Naugle wished to congratulate Jim Blosser and thank the Seminole Tribe for this wonderful gesture to preserve history.

**Motion** made by Commissioner Smith and seconded by Commissioner Hutchinson to accept a donation in the amount of \$3 million by the Seminole Tribe of Florida towards the development of the Hyde Market Property site. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: None.

At 12:58 A.M., Commissioner Katz left the meeting.

**City Commission Request for Review – Request for  
Continuation of Non-Conforming Status – Dr. Robert B.  
and Mrs. Athea W. Hayling (Administrative Review Case No. 18-NC-00) ..... (M-31)**

A motion was presented setting a public hearing date of October 17, 2000 to review Dr. Robert B. and Mrs. Athea W. Hayling's request for Continuation of Non-Conforming Status for property located at 1036 N.W. 9 Avenue. This application was reviewed as a Site Plan Level I on August 31, 2000. (Requested by Commissioner Smith).

**Motion** made by Commissioner Smith and seconded by Commissioner Hutchinson to schedule a public hearing on October 17, 2000 to review Dr. Robert B. and Mrs. Athea W. Hayling's request for Continuation of Non-Conforming Status for property located at 1036 N.W. 9 Avenue. Roll call showed: YEAS: Commissioners Hutchinson, Smith, and Mayor Naugle. NAYS: None.

**Settlement of****Automobile Liability File No. VA GL 97-709A (Pamela Ford) ..... (M-32)**

A motion was presented authorizing the settlement of Automobile Liability File No. VA GL 97-709A (Pamela Ford) in the amount of \$40,000.

**Motion** made by Commissioner Smith and seconded by Commissioner Hutchinson to settle Automobile Liability File No. VA GL 97-709A (Pamela Ford) in the amount of \$40,000. Roll call showed: YEAS: Commissioners Hutchinson, Smith, and Mayor Naugle. NAYS: None.

**Lease Agreement – Jungle Queens, Inc. –****Commercial Dock Areas A and B - Bahia Mar Yacht Basin..... (PH-3)**

A resolution was presented authorizing the proper City officials to execute a lease agreement with Jungle Queens, Inc. for Commercial Dock Areas A and B located at the southernmost end of the Bahia Mar Yacht Basin.

Mayor Naugle called for those who wished to be heard. There were none.

**Motion** made by Commissioner Smith and seconded by Commissioner Hutchinson that the public hearing be closed. Roll call showed: YEAS: Commissioners Hutchinson, Smith, and Mayor Naugle. NAYS: none.

Commissioner Smith introduced a written resolution entitled:

RESOLUTION NO. 00-126

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A LEASE AGREEMENT WITH JUNGLE QUEENS, INC. FOR THE LEASE OF DOCK AREAS A AND B UPON CERTAIN TERMS AND CONDITIONS.

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Which resolution was read by title only. Roll call showed: YEAS: Commissioners Hutchinson, Smith, and Mayor Naugle. NAYS: none.

**Vacate a Portion of Southeast 16th Street –****Broward General Medical Center (PZ Case No. 8-P-00) ..... (PH-4)**

At the Planning and Zoning Board regular meeting of July 19, 2000, it was recommended by a vote of 7 to 0 that the following application be approved. Notice of the public hearing was published on September 7 and September 14, 2000. (Also see Item PH-3 on this Agenda).

Applicant:	Broward General Medical Center
Request:	Vacate a portion of Southeast 16th Street
Location:	Southeast 16th Street, east of South Andrews Avenue

Mayor Naugle called for those who wished to be heard. There were none.

**Motion** made by Commissioner Smith and seconded by Commissioner Hutchinson to close public hearing. Roll call showed: YEAS: Commissioners Hutchinson, Smith, and Mayor Naugle. NAYS: None.

Commissioner Smith introduced the following ordinance on first reading:

ORDINANCE NO. C-00-51

AN ORDINANCE VACATING, ABANDONING AND CLOSING THAT PORTION OF THE RIGHT-OF-WAY FOR SOUTHEAST 16<sup>TH</sup> STREET AND SOUTHEAST 1<sup>ST</sup> AVENUE, AS SHOWN ON THE PLATS OF "BROWARD GENERAL HOSPITAL", AND "BROWARD GENERAL HOSPITAL ADDITION", ACCORDING TO THE PLATS THEREOF, RECORDED IN PLAT BOOK 60, PAGE 33 AND PLAT BOOK 90, PAGE 2, RESPECTIVELY, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; BOUNDED ON THE NORTH BY THE SOUTH LINE OF TRACT "C" OF SAID "BROWARD GENERAL HOSPITAL ADDITION"; AND BOUNDED ON THE WEST BY A LINE PARALLEL WITH AND 3 FEET EAST OF, AS MEASURED AT RIGHT ANGLES, THE EAST RIGHT-OF-WAY LINE OF SOUTH ANDREWS AVENUE, (PLATTED AS ANDREWS BOULEVARD), AS SHOWN ON THE PLAT OF "CROISSANT PARK", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 4, PAGE 28, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LOCATED EAST OF ANDREWS AVENUE AND SOUTH OF SOUTHEAST 15<sup>TH</sup> STREET, SUCH LAND BEING LOCATED IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Hutchinson, Smith, and Mayor Naugle. NAYS: None.

At 1:01 A.M., Commissioner Katz returned to the meeting.

**Vacate 15-Foot Alley -**

**Broward General Medical Center (PZ Case No. 7-P-00) ..... (PH-5)**

At the Planning and Zoning Board regular meeting of July 19, 2000, it was recommended by a vote of 7 to 0 that the following application be approved. Notice of the public hearing was published on September 7 and September 14, 2000. (Also see Item PH-2 on this Agenda).

Applicant: Broward General Medical Center  
Request: Vacate 15-foot alley  
Location: North-south alley between Southeast 15th and 16th Streets

Mayor Naugle called for those who wished to be heard. There were none.

**Motion** made by Commissioner Smith and seconded by Commissioner Hutchinson to close public hearing. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: None.

Commissioner Hutchinson felt there should be retail uses on the lower level of this garage.

Commissioner Smith introduced the following ordinance on first reading:

ORDINANCE NO. C-00-52

AN ORDINANCE VACATING, ABANDONING AND CLOSING ALL OF THE 15 FOOT ALLEY IN BLOCK 34, "CROISSANT PARK", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 4, PAGE 28, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LOCATED BETWEEN SOUTHEAST 16<sup>TH</sup> STREET AND SOUTHEAST 15<sup>TH</sup> STREET, SUCH LAND BEING LOCATED IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

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Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: None.

**Rezone RMM-25 to CB -**

**Florida Property Investment Partners, Inc. (PZ Case No. 11-Z-00)..... (O-1)**

At the Planning and Zoning Board regular meeting of June 21, 2000, it was recommended by a vote of 6 to 2 that the following application be approved. Ordinance No. C-00-39 was published on August 25 and September 1, 2000, and passed on first reading September 6, 2000 by a vote of 5 to 0.

Applicant: Florida Property Investment Partners, Inc.  
Request: Rezone RMM-25 to CB  
Location: Southwest corner of U.S. 1 and Davie Boulevard

Commissioner Smith introduced the following ordinance on second reading:

ORDINANCE NO. C-00-39

AN ORDINANCE CHANGING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, SO AS TO REZONE FROM RMM-25 TO CB, LOTS 20 AND 21, BLOCK 27-L, "CROISSANT PARK", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 4, PAGE 28, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; AND REZONE FROM RO TO CB; LOTS 4 AND 5, BLOCK 27-L, "CROISSANT PARK", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 4, PAGE 28, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LOCATED BETWEEN SOUTHEAST 12<sup>TH</sup> STREET AND SOUTHEAST 12<sup>TH</sup> COURT, WEST OF FEDERAL HIGHWAY AND EAST OF SOUTHEAST 4<sup>TH</sup> AVENUE, IN FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, AND AMENDING THE OFFICIAL ZONING MAP AND SCHEDULE "A" ATTACHED THERETO TO INCLUDE SUCH LANDS.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: None.

**Rezone RDs-15 to CF-S – City of Fort Lauderdale/  
Construction Services Bureau (PZ Case No. 12-Z-00) ..... (O-2)**

At the Planning and Zoning Board regular meeting of June 21, 2000, it was recommended by a vote of 7 to 1 that the following application be approved. Ordinance No. C-00-40 was published on August 25 and September 1, 2000, and passed on first reading on September 6, 2000 by a vote of 5 to 0. (Also see Item O-3 on this Agenda).

Applicant: City of Fort Lauderdale/Construction Services Bureau  
Request: Rezone RDs-15 to CF-S  
Location: East side of Andrews Avenue, north side of Northeast 16th Place

Commissioner Smith introduced the following ordinance on second reading:

**ORDINANCE NO. C-00-40**

AN ORDINANCE CHANGING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, SO AS TO REZONE FROM RDs-15 TO CF-S, THE NORTH 25.00 FEET OF LOTS 27, 28, 29 AND 30, "PLACIDO PLACE RESUBDIVISION", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 34, PAGE 36, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LYING EAST OF THE EAST RIGHT-OF-WAY LINE OF NORTH ANDREWS AVENUE, LOCATED ON THE EAST SIDE OF NORTH ANDREWS AVENUE, BETWEEN NORTHEAST 16<sup>TH</sup> PLACE AND NORTHEAST 17<sup>TH</sup> COURT, IN FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, AND AMENDING THE OFFICIAL ZONING MAP AND SCHEDULE "A" ATTACHED THERETO TO INCLUDE SUCH LANDS.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Hutchinson, Katz, and Mayor Naugle. NAYS: None.

**Rezone RDs-15 to CF-S - Robert Durfee (PZ Case No. 9-Z-00) ..... (O-3)**

At the Planning and Zoning Board regular meeting of June 21, 2000, it was recommended by a vote of 7 to 1 that the following application be approved. Ordinance No. C-00-41 was published on August 25 and September 1, 2000, and passed on first reading on September 6, 2000 by a vote of 5 to 0. (Also see Item O-2 on this Agenda).

Applicant: Robert Durfee  
Request: Rezone RDs-15 to CF-S  
Location: East side of Andrews Avenue, north side of Northeast 16th Place

Commissioner Smith introduced the following ordinance on second reading:

ORDINANCE NO. C-00-41

AN ORDINANCE CHANGING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, SO AS TO REZONE FROM RDs-15 TO CF-S, THE NORTH 25.00 FEET OF LOTS 27, 28, 29 AND 30, "PLACIDO PLACE RESUBDIVISION", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 34, PAGE 36, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LYING EAST OF THE EAST RIGHT-OF-WAY LINE OF NORTH ANDREWS AVENUE, LOCATED ON THE EAST SIDE OF NORTH ANDREWS AVENUE, BETWEEN NORTHEAST 16<sup>TH</sup> PLACE AND NORTHEAST 17<sup>TH</sup> COURT, IN FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, AND AMENDING THE OFFICIAL ZONING MAP AND SCHEDULE "A" ATTACHED THERETO TO INCLUDE SUCH LANDS.

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Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: None.

**Rezone RO and CF to CB –**

**Broward General Medical Center (PZ Case No. 13-Z-00) ..... (O-4)**

At the Planning and Zoning Board regular meeting of June 21, 2000, it was recommended by a vote of 7 to 0 that the following application be approved. Ordinance No. C-00-42 was published on August 25 and September 1, 2000, and passed on first reading on September 6, 2000 by a vote of 5 to 0.

Applicant:	Broward General Medical Center
Request:	Rezone RO and CF to CB
Location:	East side of South Andrews Avenue, between Southeast 15th and 17th Streets

Commissioner Hutchinson understood there would be continued dialogue with Mr. Steinholtz.

Commissioner Smith introduced the following ordinance on second reading:

ORDINANCE NO. C-00-42

AN ORDINANCE CHANGING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, SO AS TO REZONE FROM RO TO CB, LOT 13, BLOCK 34, "CROISSANT PARK", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 4, PAGE 28, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; AND REZONE FROM CF TO CB, ALL OF THAT PORTION OF TRACT "C", "BROWARD GENERAL HOSPITAL ADDITION", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 90, PAGE 2, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LYING WEST OF THE NORTHERLY PROJECTION OF THE EAST RIGHT-OF-WAY LINE OF SOUTHEAST 1<sup>ST</sup> AVENUE, (ROSS AVENUE), AS SHOWN ON THE AFORESAID PLAT OF "CROISSANT PARK", LOCATED SOUTH OF SOUTHEAST 15<sup>TH</sup> STREET, NORTH OF SOUTHEAST 16<sup>TH</sup> STREET, BETWEEN SOUTH ANDREWS AVENUE AND SOUTHEAST 1<sup>ST</sup> AVENUE, IN FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, AND AMENDING THE OFFICIAL ZONING MAP AND SCHEDULE "A" ATTACHED THERETO TO INCLUDE SUCH LANDS.

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Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith and Mayor Naugle. NAYS: None.

**Public Purpose Use Approval/Park -**

**City of Fort Lauderdale – Palm Aire Village Park (PZ Case No. 12-R-00) ..... (O-5)**

At the Planning and Zoning Board regular meeting of June 21, 2000, it was recommended by a vote of 8 to 0 that the following application be approved. Ordinance No. C-00-43 was published on August 25 and September 1, 2000, and passed on first reading on September 6, 2000 by a vote of 5 to 0.

Applicant: City of Fort Lauderdale/Engineering Bureau  
Request: Public Purpose Use Approval/Park  
Location: Approximately 575 feet north of the northwest corner of Northwest 62nd Street and Northwest 21st Avenue

Commissioner Smith introduced the following ordinance on second reading:

ORDINANCE NO. C-00-43

AN ORDINANCE APPROVING STRUCTURES WITHIN A PUBLIC PARK THAT DO NOT MEET THE YARD REQUIREMENTS IN A PARKS, RECREATION AND OPEN SPACE (P) ZONING DISTRICT, WHICH PARK IS LOCATED NORTH OF THE NORTHWEST CORNER OF N.W. 62<sup>ND</sup> STREET AND N.W. 21<sup>ST</sup> AVENUE; AND GRANTING RELIEF FROM THE YARD REQUIREMENTS PURSUANT TO SECTION 47-18.26 OF THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA.

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Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: None.

**Amend Section 9-48, "General Permit Fees" –  
Inspection Building Plan Review – The Specialty Permit Program ..... (O-6)**

An ordinance was presented amending Section 9-48, "General Permit Fees," Section (2), "Presale, Specialty and Prelicense Inspections," of the Code of Ordinances to provide for specialty plan review. Ordinance No. C-00-44 was published on August 27, 2000, and passed on first reading on September 6, 2000 by a vote of 5 to 0.

Commissioner Smith introduced the following ordinance on second reading:

**ORDINANCE NO. C-00-44**

AN ORDINANCE AMENDING SECTION 9-48, GENERAL PERMIT FEES, SECTION (2), PRESALE, SPECIALTY AND PRELICENSE INSPECTIONS, OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, PROVIDING FOR SPECIALTY PLAN REVIEW. \_\_\_\_\_

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: None.

**Assignment of Cable Television Franchise  
and Assignment Agreement with Broward County – Comcast Cablevision  
of Broward, Inc. – Palm Aire Village and Golden Heights Service Areas** ..... (O-7)

An ordinance was presented accepting the assignment of the cable television franchise held by Comcast Cablevision of Broward, Inc. with respect to the Palm Aire Village and Golden Heights service areas; and authorizing the proper City officials to execute an assignment agreement with Broward County to effectuate the assignment of the cable television franchise to the City. Ordinance No. C-00-45 was published on August 27, 2000, and passed on first reading on September 6, 2000 by a vote of 4 to 1 (Naugle).

Commissioner Smith introduced the following ordinance on second reading:

**ORDINANCE NO. C-00-45**

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, ACCEPTING THE ASSIGNMENT OF THE CABLE TELEVISION FRANCHISE HELD BY COMCAST CABLEVISION OF BROWARD, INC. WITH RESPECT TO THE PALM AIRE AND GOLDEN HEIGHTS SERVICE AREAS; AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN ASSIGNMENT AGREEMENT WITH BROWARD COUNTY TO EFFECTUATE THE ASSIGNMENT OF THE CABLE TELEVISION FRANCHISE TO THE CITY.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Hutchinson, Katz, and Smith. NAYS: Mayor Naugle.



**Amendment to Section 2-158 – “Investment of Public Funds” .....** (O-8)

An ordinance was presented amending Section 2-158, “Investment of Public Funds,” of the Code of Ordinances to amend the authorized investments of public funds. Ordinance No. C-00-46 was published on August 27, 2000, and passed on first reading on September 6, 2000 by a vote of 5 to 0.

Commissioner Smith introduced the following ordinance on second reading:

**ORDINANCE NO. C-00-46**

**AN ORDINANCE AMENDING SECTION 2-158, INVESTMENT OF PUBLIC FUNDS, OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, TO AMEND THE AUTHORIZED INVESTMENTS OF PUBLIC FUNDS.**

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Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: None.

**Amendment to Chapter 10 – Municipal Cemetery System .....** (O-9)

An ordinance was presented amending Section 10-47 of the Code of Ordinances entitled “Municipal Cemetery System Funds,” providing that capital improvements to the Cemetery System may be funded with excess accumulated income from the cemetery trusts and removing references to financial accounts no longer utilized in the operation of the Municipal Cemetery System; and deleting Section 10-48 entitled “Duties of Director of Finance.” Notice of proposed ordinance was published on August 27, 2000. On September 6, 2000, the City Commission voted to defer first reading to September 19, 2000 by a vote of 5 to 0.

Mayor Naugle said he had not seen any evidence indicating that these funds would not be needed by the perpetual care of the cemetery system in the future. He understood a lot of sales were being made, but it would be built out at some time, and he wanted to see a schedule. Mayor Naugle requested additional back-up information or a presentation at a Conference meeting in this regard.

Mr. Greg Kisela, Assistant City Manager, stated that the requested information could be provided before second reading of the ordinance. He advised that the Finance Department was comfortable that there would be excess funds, and that this would not jeopardize the Perpetual Care Fund.

Mayor Naugle inquired about the anticipated build-out date. Mr. Kisela agreed to provide that information. The City Manager suggested that this item be deferred to the Special Meeting on September 26, 2000.

**Motion** made by Commissioner Smith and seconded by Commissioner Hutchinson to defer this item to September 26, 2000 at 6:00 P.M. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

**Amendment to Chapter 24 – Municipal Garbage  
and Trash Collection and Disposal Service (Sanitation Rate Increase) ..... (O-10)**

An ordinance was presented amending Section 24-47 of the Code of Ordinances entitled "Charges Generally," to increase the rates for municipal garbage and trash collection and disposal service. Ordinance No. C-00-47 was published on August 27, 2000, and passed on first reading on September 6, 2000 by a vote of 5 to 0.

Commissioner Smith introduced the following ordinance on second reading:

**ORDINANCE NO. C-00-47**

**AN ORDINANCE AMENDING SECTION 24-47 OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, ENTITLED "CHARGES GENERALLY" TO INCREASE THE RATES FOR MUNICIPAL GARBAGE AND TRASH COLLECTION AND DISPOSAL SERVICE.**

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: None.

**Create Section 6-15 – Prohibit Feeding of Wild Animals  
In the Area Surrounding Hugh Taylor Birch State Recreation Area..... (O-11)**

An ordinance was presented creating Section 6-15 of the Code of Ordinances to prohibit the feeding of wild animals known to be high risk species for rabies in the area surrounding Hugh Taylor Birch State Recreation Area. Ordinance No. C-00-48 was published on August 27, 2000, and passed on first reading on September 6, 2000 by a vote of 5 to 0.

Mayor Naugle asked that staff post signs in this regard and enforce this ordinance. He understood the ordinance would go into effect immediately. Mr. Tom Tapp, Director of Parks & Recreation, advised that staff was meeting with the State next week about trapping and education.

Commissioner Smith introduced the following ordinance on second reading:

**ORDINANCE NO. C-00-48**

**AN ORDINANCE AMENDING CHAPTER 6, ANIMALS, OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, BY CREATING SECTION 6-15 TO PROHIBIT THE FEEDING OF WILD ANIMALS KNOWN TO BE HIGH RISK SPECIES FOR RABIES IN THE AREA SURROUNDING HUGH TAYLOR BIRCH STATE RECREATION AREA.**

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: None.

**Amendment to Section 20-115(3) –  
Increases in Benefits - General Employees Retirement System ..... (O-12)**

An ordinance was presented amending Chapter 20, Article IV, Division 2, Section 20-115(3) of the Code of Ordinances of the City dealing with the General Employees Retirement System, to provide that increases in benefits to active members may be extended to retired members upon approval of the City Commission rather than the Board of Trustees, subject to further terms and conditions. Ordinance No. C-00-49 was published on September 9, 2000, and passed on first reading on September 6, 2000 by a vote of 5 to 0.

Commissioner Smith introduced the following ordinance on second reading:

**ORDINANCE NO. C-00-49**

**AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING DIVISION 2, GENERAL EMPLOYEES' RETIREMENT SYSTEM, CHAPTER 20, SECTION 20-115(e) OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, MODIFYING THE PROCEDURE BY WHICH INCREASES IN RETIREMENT BENEFITS MAY BE MADE APPLICABLE TO RETIRED MEMBERS BY PROVIDING THAT SUCH INCREASES MAY BE APPROVED BY THE CITY COMMISSION, PROVIDED THE COST OF THE INCREASED BENEFITS ARE FUNDED BY ACTIVE MEMBERS AND THE AFFECTED BARGAINING UNIT(S) CONSENT TO THE FUNDING OF THE INCREASED BENEFITS.**

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: None.

**Amendment to the Pay Plan ..... (O-13)**

An ordinance was presented amending Schedules I and II of the Pay Plan of the City, providing for title changes, the creation of new classes, the elimination of certain classes, pay range adjustments within classes, title changes and pay range adjustments within classes, amending special pay practices of Schedule I to provide for the elimination of an assignment pay position and to adjust assignment pay ranges, and amending the Pay Plan in order to provide for modifications in the schedules of pay range amounts for Supervisory, Professional, Managerial and Confidential employees. Notice of the proposed ordinance was published on September 9, 2000.

Mayor Naugle felt this issue had ended up being too political. He had reviewed the raises given to the seventh and eighth floors, and he believed the pace on the seventh floor was much more "laid back."

Commissioner Smith introduced the following ordinance on first reading:

ORDINANCE NO. C-00-

AN ORDINANCE AMENDING SCHEDULES I AND II OF THE PAY PLAN OF THE CITY OF FORT LAUDERDALE, FLORIDA, PROVIDING FOR TITLE CHANGES, THE CREATION OF NEW CLASSES, THE ELIMINATION OF CERTAIN CLASSES, PAY RANGE ADJUSTMENTS WITHIN CLASSES, TITLE CHANGES AND PAY RANGE ADJUSTMENTS WITHIN CLASSES, AMENDING SPECIAL PAY PRACTICES OF SCHEDULE I TO PROVIDE FOR THE ELIMINATION OF AN ASSIGNMENT PAY POSITION AND TO ADJUST ASSIGNMENT PAY RANGES, AND AMENDING THE PAY PLAN IN ORDER TO PROVIDE FOR MODIFICATIONS IN THE SCHEDULES OF PAY RANGE AMOUNTS FOR SUPERVISORY, PROFESSIONAL, MANAGERIAL AND CONFIDENTIAL EMPLOYEES.

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Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Hutchinson and Katz. NAYS: Commissioner Smith and Mayor Naugle.

**Amendment to Section 8-156 and ULDR Section 47-19 –  
Pumpout Hose Assembly for Marine Sanitation Devices to be  
Equipped with Clear Sight Tubes ..... (O-14)**

An ordinance was presented amending Section 8-156, "Marine Sanitation Systems," of the Code of Ordinances and amending Section 47-19, "Habitation on Floating Homes and Vessels," of the Unified Land Development Code of the City, providing that each pumpout hose assembly for marine sanitation devices shall be equipped with a clear sight tube. Notice of proposed ordinance was published on September 9, 2000.

Mayor Naugle asked if notices would be sent out and residents given a certain period of time to comply with this ordinance. Mr. Greg Kisela, Assistant City Manager, replied that everyone would receive notification and standard details and information. He did not recall how long they would be given to comply, but he thought it was 90 or 120 days. Mr. Kisela thought it would be relatively inexpensive to retrofit the pump-out installations.

Commissioner Katz believed this had first been discussed a year ago, and she wondered why it would not be effective until April 1, 2001. Mr. Kisela explained that staff was trying to be customer-friendly, particularly since the residents involved had spent a considerable amount on the sanitation devices in the first place. He stated that a shorter compliance period could be imposed if that was the desire of the Commission. Commissioner Smith agreed six months seemed like a long time and suggested a four-month compliance period.

**Motion** made by Commissioner Smith and seconded by Commissioner Katz to require compliance with the ordinance by February 1, 2001. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

Commissioner Smith asked staff to investigate the quality of the hoses themselves because some were evidently deteriorating. He requested a Friday memo in this regard and wondered if the hoses should be inspected for tiny leaks or replaced every couple of years. Mr. Kisela said the most recent inspection reports indicated that some of the hoses were deteriorated. He believed a reminder could be included with the notices about this ordinance.

Mayor Naugle noted that the hoses were designed to be taken on and off boats, and plastics broke down in the sunlight over time. Therefore, the hoses did have a limited life. Commissioner Smith wondered if there was a certain type of hose that could be recommended for longer life. Mr. Kisela said he would look into it.

Commissioner Smith introduced the following ordinance, as amended, on first reading:

ORDINANCE NO. C-00-53

AN ORDINANCE AMENDING SECTION 8-156, MARINE SANITATION SYSTEMS, OF THE CODE OF ORDINANCES AND AMENDING SECTION 47-19, HABITATION ON FLOATING HOMES AND VESSELS, OF THE UNIFIED LAND DEVELOPMENT CODE OF THE CITY OF FORT LAUDERDALE, FLORIDA, PROVIDING THAT EACH PUMP OUT HOSE ASSEMBLY FOR MARINE SANITATION DEVICES SHALL BE EQUIPPED WITH A CLEAR SIGHT TUBE.

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Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: None.

**Amend ULDR Section 47-13.20 – Allocation of Residential Units and Site Plan Approval in the Downtown Regional Activity Center (RAC) – City of Fort Lauderdale (PZ Case No. 4-T-00) ..... (O-16)**

At the Planning and Zoning Board regular meeting of August 16, 2000, it was recommended by a vote of 5 to 4 that the following application be approved. Notice of the proposed ordinance was published on September 9, 2000. (Also see Item R-5 on this Agenda).

Applicant: City of Fort Lauderdale/Construction Services Bureau  
Request: Amend ULDR Section 47-13.20 to change the process for Allocation of Residential Units and Site Plan Approval in the Downtown RAC, and the process for Site Plan Approval for parcels along the New River

**Motion** made by Commissioner Smith and seconded by Commissioner Katz to defer this item to September 26, 2000 at 6:00 P.M. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

At 1:20 A.M., Commissioner Smith left the meeting.

**Plat Approval/ – “Riverland Crossings” – Mortimer S. Cohen (PZ Case No. 4-P-00)..... (R-1)**

At the August 16, 2000 regular meeting of the Planning and Zoning Board, it was recommended by a vote of 9 to 0 that the following application be approved.

Applicant: Mortimer S. Cohen  
Request: Plat approval/”Riverland Crossings”  
Location: Southeast corner of State Road 7 and Riverland Road

Commissioner Hutchinson asked if she could see the site plan even though the Commission was not voting on it.

Having affirmed to speak only the truth by virtue of an oath administered by the City Clerk, the following individuals offered comment:

Mr. Scott Miller, Planning & Community Development, stated that the zoning was B-2 so the site plan would not be presented to the Planning & Zoning Board for approval. He advised that the applicant could certainly volunteer the site plan for review.

*Mr. Robert Lochrie*, Attorney representing the applicant, stated that while the issue before the Commission was a plat, which met all Code requirements, the applicant had been working with the neighborhood association and did not mind addressing the site plan. He described the location of the property and stated that all access from State Road 7 had been cut off due to work associated with I-595. Mr. Lochrie reported that the open space on the east side, where the property bordered residential property, would be maintained and landscaped. In fact, the plat included a restrictive note to prevent development in that area.

At 1:23 A.M., Commissioner Smith returned to the meeting.

*Ms. Elizabeth "Betty" Hayes*, of the River Run Civic Association and the Southwest Coalition, said the neighborhood had originally desired a park in this location, but the property had remained vacant for a long time. She was concerned about the property's appearance and the fact that there were already two other gas stations in the area. Ms. Hayes read aloud a letter, on behalf of the Southwest Coalition, which indicated that while a gas station was permitted by the zoning in this area, the Coalition did not favor another gas station. The letter also raised concerns about traffic safety on Riverland Road and requested a traffic study. The Coalition also desired that the western access point provide only ingress due to sight limitations related to a nearby bus stop.

Ms. Hayes stated that the community did not want gas tankers going through the residential neighborhood, and they were concerned about the glare of lights. She felt the landscaping design should be made available to the community, and the neighborhood desired an aesthetically pleasing enclosure for the propane tank. Ms. Hayes advised that the community was concerned by the fact that only the corner of the property was being platted. She wanted the City to develop a comprehensive plan for the entire property rather than a piecemeal plan.

Mr. Lochrie advised that a traffic study had already been instituted, and actual traffic counts were being taken on Riverland Road. As to the western entrance he had no objection to limiting it to ingress only. Mr. Lochrie stated that an access easement would be provided so that as other properties were developed, there would be uniform access points. He also reported that a photometric study was being prepared as to the lighting, and some additional shielding would be provided. Mr. Lochrie said that gas tanker trucks did not now and would not use Riverland Road. He also noted that landscaping would be provided, and a decorative enclosure would be constructed around the propane tank.

Commissioner Smith introduced a written resolution entitled:

#### RESOLUTION NO. 00-127

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA APPROVING A PLAT KNOWN AS "RIVERLAND CROSSINGS".

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Which resolution was read by title only. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: None.

**Street Name Addition -**

**Northeast 23rd Terrace to also be known as De Sota Terrace ..... (R-2)**

A resolution was presented authorizing that Northeast 23<sup>rd</sup> Terrace shall also be known as De Sota Terrace. (Requested by Vice Mayor Smith).

Commissioner Smith introduced a written resolution entitled:

RESOLUTION NO. 00-128

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, TO PROVIDE THAT N.W. 23<sup>RD</sup> TERRACE SHALL NOW BE ALSO KNOWN AS "DE SOTA TERRACE".

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: None.

**Qualified Target Incentive (QTI) – MARS, Inc. ..... (R-3)**

A resolution was presented approving the City's participation with Broward County in the QTI for MARS, Inc.

It was announced that this item had been **deleted** from the Agenda.

**Amendment to the FY 1998/1999**

**and FY 2000/2001 SHIP Local Housing Assistance Plan ..... (R-4)**

A resolution was presented authorizing the proper City officials to amend the FY 1998/1999 and FY 2000/2001 SHIP Local Housing Assistance Plan.

Commissioner Smith introduced a written resolution entitled:

RESOLUTION NO. 00-129

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING THE 1998-2001 STATE HOUSING INITIATIVE PROGRAM ("SHIP") TO REALLOCATE SHIP FUNDS FROM THE OWNER OCCUPIED REHABILITATION, REPLACEMENT HOUSING, AND FEE WAIVER ASSISTANCE STRATEGIES TO THE RENTAL REHABILITATION, HOMELESS PREVENTION INITIATIVE, AND PURCHASE ASSISTANCE NEW CONSTRUCTION STRATEGIES; AND TO INCREASE THE CURRENT FUNDING ALLOCATION LEVELS PER UNIT OF THE OWNER OCCUPIED REHABILITATION, REPLACEMENT HOUSING, AND PURCHASE ASSISTANCE EXISTING STRUCTURE STRATEGIES; AND INCREASING FUNDING OF ADMINISTRATIVE COSTS.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: None.

**Site Plan Review/RAC-CC – Sea Ranch Properties, L.C. –  
Las Olas River Residences (PZ Case No. 65-R-00) ..... (R-5)**

At the Development Review Committee meeting of June 13, 2000, the following development was reviewed. (Please see Item O-16 on this Agenda).

Applicant: Sea Ranch Properties, L.C.  
Request: Site plan review/RAC-CC  
Location: East of Southeast 3rd Avenue, south of Southeast 4th Street, north of  
New River

**Motion** made by Commissioner Smith and seconded by Commissioner Katz to defer this item to September 26, 2000 at 6:00 P.M. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

**Collective Bargaining Agreement –  
Broward County Local Union, Local 532, AFSCME..... (R-6)**

A resolution was presented authorizing the proper City officials to execute a three-year successor collective bargaining agreement with Broward County Local Union, Local 532, AFSCME, effective October 1, 2000 through September 30, 2003.

Commissioner Smith introduced a written resolution entitled:

RESOLUTION NO. 00-130

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT  
LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO  
EXECUTE A THREE YEAR COLLECTIVE BARGAINING AGREEMENT WITH  
BROWARD COUNTY LOCAL UNION #532, AFSCME.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: None.

**Grant Application – Florida Department of  
Environmental Protection (DEP), Florida Recreation Development  
Assistance Program (FRDAP) – Improvements to Joseph C. Carter Park ..... (R-7)**

A resolution was presented authorizing the proper City officials to apply for a grant with DEP, FRDAP in the amount of \$200,000 for improvements to Joseph C. Carter Park; and further authorizing the proper City officials to execute all documents necessary to accept such grant funds.



Commissioner Smith introduced a written resolution entitled:

RESOLUTION NO. 00-131

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING APPLICATION FOR A MATCHING GRANT AWARD OF \$200,000.00 UNDER THE FLORIDA RECREATION DEVELOPMENT ASSISTANCE PROGRAM FOR IMPROVEMENTS TO JOSEPH C. CARTER PARK; AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A PROJECT GRANT AGREEMENT WITH THE STATE OF FLORIDA, DEPARTMENT OF ENVIRONMENTAL PROTECTION.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: None.

**Grant Application – Florida Department of  
Environmental Protection (DEP), Florida Recreation Development  
Assistance Program (FRDAP) – New Construction at Palm Aire Village Park ..... (R-8)**

A resolution was presented authorizing the proper City officials to apply for a grant with DEP, FRDAP in the amount of \$200,000 for new construction at Palm Aire Village Park; and further authorizing the proper City officials to execute all documents necessary to accept such grant funds.

Commissioner Smith introduced a written resolution entitled:

RESOLUTION NO. 00-132

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING APPLICATION FOR A MATCHING GRANT AWARD OF \$200,000.00 UNDER THE FLORIDA RECREATION DEVELOPMENT ASSISTANCE PROGRAM FOR IMPROVEMENTS TO PALM AIRE VILLAGE PARK; AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A PROJECT GRANT AGREEMENT WITH THE STATE OF FLORIDA, DEPARTMENT OF ENVIRONMENTAL PROTECTION.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: None.

**Joint Participation Agreement (JPA) – Florida Department of  
Transportation (FDOT) – Replacement of Two Bridges –  
Southeast 15th Avenue over the Marcheta and Carlotta Rivers,  
North and South of Southeast 13<sup>th</sup> Street ..... (R-9)**

A resolution was presented authorizing the proper City officials to execute a JPA with FDOT for its design and construction of two City bridges located on Southeast 15th Avenue over the Marcheta and Carlotta Rivers, north and south of Southeast 13th Street.

Commissioner Smith introduced a written resolution entitled:

RESOLUTION NO. 00-133

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO A JOINT PARTICIPATION AGREEMENT WITH THE STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION, PROVIDING FOR THE DESIGN AND CONSTRUCTION OF BRIDGES OVER THE MARCHETA RIVER AND THE CARLOTTA RIVER ON S.E. 15 AVENUE.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: None.

**Joint Participation Agreement (JPA) –  
Florida Department of Transportation (FDOT) -  
E. Clay Shaw Bridge (Southeast 17th Street Causeway) –  
Southeast 23rd Avenue Improvements ..... (R-10)**

A resolution was presented authorizing the proper City officials to execute a JPA with FDOT for its contribution of funds for the construction of improvements to Southeast 23rd Avenue, south of the Southeast 17th Street Causeway.

Commissioner Smith introduced a written resolution entitled:

RESOLUTION NO. 00-134

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO A JOINT PARTICIPATION AGREEMENT WITH THE STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION, PROVIDING FOR FUNDING TO THE CITY OF FORT LAUDERDALE FOR THE COMPLETION OF IMPROVEMENTS TO S.E. 23 AVENUE, SOUTH OF S.E. 17 STREET.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: None.

**First Amendment to License Agreement – FEC Railway Company ..... (R-11)**

A resolution was presented authorizing the proper City officials to execute a first amendment to the Blanket License Agreement with the FEC Railway Company to revise the terms and conditions under which the City may construct and maintain utilities on and across the normal right-of-way and under the tracks of the FEC Railway Company at those points designated by said agreement.

Mayor Naugle wished to include a letter to the FEC that this was not legal. The City Attorney advised that a letter had already been transmitted indicated that the indemnification provision was not enforceable under State Statutes. Mayor Naugle wondered what would happen if the City simply refused to do this. The City Attorney stated that the Railway did belong to the FEC, and it was not required to let the City use it. Mr. Hector Castro, City Engineer, understood FEC owned the right-of-way in fee simple.

Mayor Naugle wondered what would happen if all of the cities up and down the railroad refused to pay these increases. Mr. Castro believed the FEC could restrict use of all the grade crossings.

Commissioner Katz wondered if there was any way to get permission to landscape the crossing at Oakland Park Boulevard. Mr. Castro advised that repeated attempts to get the FEC to take greater care of its right-of-way had not been successful. He stated that the City had an agreement with FEC and did a lot of landscaping within City limits. Commissioner Hutchinson reported that the grass was waist high in District 4 along the railway corridor. Mr. Castro advised that the City mowed the grass, but the crews did fall behind during the rainy season.

Commissioner Smith introduced a written resolution entitled:

RESOLUTION NO. 00-135

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO AN AMENDMENT TO THE BLANKET LICENSE AGREEMENT WITH FLORIDA EAST COAST RAILWAY COMPANY (FEC) PERTAINING TO THE INSTALLATION AND MAINTENANCE OF UTILITY CROSSINGS THROUGH FEC RIGHT-OF-WAY.

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Which resolution was read by title only. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: None.

**Permanent Road Closure – Northwest 6th Avenue at  
Northwest 2nd Street – Fire-Rescue Headquarters/  
Replacement Fire Station Nos. 2 and 8 ..... (R-12)**

A resolution was presented authorizing the permanent road closure of Northwest 6th Avenue at Northwest 2nd Street in order to facilitate the development for the new Fire-Rescue Headquarters/Replacement Fire Station Nos. 2 and 8.

Commissioner Smith introduced a written resolution entitled:

RESOLUTION NO. 00-136

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING A ROAD MODIFICATION AT N.W. 6<sup>TH</sup> AVENUE AT N.W. 2<sup>ND</sup> STREET IN FORT LAUDERDALE, FLORIDA IN CONNECTION WITH THE PROPOSED DEVELOPMENT OF A NEW FIRE STATION AND ADMINISTRATIVE HEADQUARTERS FOR THE FIRE RESCUE DEPARTMENT.

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Which resolution was read by title only. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: None.

**Fiscal Year 2000/2001 Central Regional  
Wastewater System Large User Rates ..... (R-13)**

A resolution was presented authorizing the Fiscal Year 2000/2001 Central Regional Wastewater System Large User rate at \$0.77 per 1,000 gallons of wastewater treated, as approved by the Wastewater Large User Advisory Board on August 30, 2000.

Commissioner Smith introduced a written resolution entitled:

**RESOLUTION NO. 00-137**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO SET A RATE OF \$0.77 PER 1,000 GALLONS, DURING FISCAL YEAR 2000/2001, FOR ALL LARGE USER WASTEWATER CUSTOMERS OF THE CENTRAL WASTEWATER REGION.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: None.

**Florida Department of Transportation  
(FDOT) – U.S. 1 (Federal Highway) Tree Beautification Program ..... (R-14)**

A resolution was presented approving the City's participation in the FDOT U.S. 1 Tree Beautification Program; and further authorizing the City Manager or his designee to execute Landscape Maintenance Agreements with property owners participating in the program.

Commissioner Katz noted that she had been pursuing this for almost a year, and she thought it was a great idea. Commissioner Smith agreed it was wonderful.

Commissioner Smith introduced a written resolution entitled:

**RESOLUTION NO. 00-138**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING PARTICIPATION IN THE STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION TREE BEAUTIFICATION PROGRAM, AND FURTHER AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE LANDSCAPE MAINTENANCE AGREEMENTS WITH PROPERTY OWNERS PARTICIPATING IN THIS PROGRAM.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

**Sunshine State Governmental Financing Commission****Loan – Payroll and Telephone Systems ..... (R-15)**

A resolution was presented authorizing the negotiation of a loan in an aggregate amount not to exceed \$3,000,000 from the Sunshine State Governmental Financing Commission for the purpose of acquiring, constructing, and erecting certain other capital improvements, approving the execution and delivery of a loan agreement and a tax regulatory agreement; providing for the repayment of such loan from certain legally available revenues of the City; providing certain other matters in connection with the making of such loan; and providing an effective date.

Commissioner Smith introduced a written resolution entitled:

**RESOLUTION NO. 00-139**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE NEGOTIATION OF A LOAN IN AN AGGREGATE AMOUNT NOT TO EXCEED \$3,000,000 FROM THE SUNSHINE STATE GOVERNMENTAL FINANCING COMMISSION FOR THE PURPOSE OF ACQUIRING, CONSTRUCTING AND ERECTING CERTAIN CAPITAL IMPROVEMENTS; APPROVING THE EXECUTION AND DELIVERY OF ANY NECESSARY AGREEMENTS, INCLUDING WITHOUT LIMITATION, A LOAN AGREEMENT AND A TAX REGULATORY AGREEMENT; PROVIDING FOR THE REPAYMENT OF SUCH LOAN FROM CERTAIN LEGALLY AVAILABLE REVENUES OF THE CITY OF FORT LAUDERDALE; PROVIDING CERTAIN OTHER MATTERS IN CONNECTION WITH THE MAKING OF SUCH LOAN; AND PROVIDING AN EFFECTIVE DATE.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

**Repeal and Rescind Resolution No. 00-88 -****Aware of Sanitation Revenue Bonds – \$5,740,000 – SunTrust Bank ..... (R-16)**

A resolution was presented authorizing the issuance of \$5,740,000 principal amount of City Sanitation Revenue Bonds, Series 2000, for the purpose of providing funds to (1) pay the costs of the Series 2000 project, and (2) pay the costs of issuance of the Series 2000 bonds; fixing the form and certain details and denomination of said Series 2000 bonds; authorizing the sale of said bonds to SunTrust Bank pursuant to a negotiated sale and accepting the proposal of SunTrust Bank for the purchase of said bonds; making certain findings as to the necessity of a negotiated sale; authorizing the execution and directing the authentication and delivery of said bonds; authorizing the execution and delivery of any necessary agreements including, without limitation, a loan agreement with SunTrust Bank; designating said bonds as "Qualified Tax Exempt Obligations" for the purposes of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended; authorizing other required actions; repealing and rescinding Resolution No. 00-88 adopted by the City Commission on July 18, 2000; and providing an effective date.

Commissioner Smith introduced a written resolution entitled:

RESOLUTION NO. 00-140

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$5,740,000 PRINCIPAL AMOUNT OF CITY OF FORT LAUDERDALE, FLORIDA SANITATION REVENUE BONDS, SERIES 2000, FOR THE PURPOSE OF PROVIDING FUNDS TO: (1) PAY THE COSTS OF THE SERIES 2000 PROJECT AND (2) PAY THE COSTS OF ISSUANCE OF THE SERIES 2000 BONDS; FIXING THE FORM AND CERTAIN DETAILS AND DENOMINATION OF SAID SERIES 2000 BONDS; AUTHORIZING THE SALE OF SAID BONDS TO SUNTRUST BANK PURSUANT TO A NEGOTIATED SALE AND ACCEPTING THE PROPOSAL OF SUNTRUST BANK FOR THE PURCHASE OF SAID BONDS; MAKING CERTAIN FINDINGS AS TO THE NECESSITY OF A NEGOTIATED SALE; AUTHORIZING THE EXECUTION AND DIRECTING THE AUTHENTICATION AND DELIVERY OF SAID BONDS; DIRECTION THE APPLICATION OF THE PROCEEDS OF SAID BONDS; AUTHORIZING THE EXECUTION AND DELIVERY OF ANY NECESSARY AGREEMENTS, INCLUDING, WITHOUT LIMITATION, A LOAN AGREEMENT WITH SUNTRUST BANK; DESIGNATING SAID BONDS AS "QUALIFIED TAX EXEMPT OBLIGATIONS" FOR PURPOSES OF SECTION 265(b)(3) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED; SUPPLEMENTING RESOLUTION NO. 00-87 ADOPTED BY THE CITY COMMISSION ON JULY 18, 2000 IN ORDER TO COMPLY WITH CERTAIN PROVISIONS REQUIRED BY THE PURCHASER; AUTHORIZING OTHER REQUIRED ACTIONS; REPEALING AND RESCINDING RESOLUTION NO. 00-88 ADOPTED BY THE CITY COMMISSION ON JULY 18, 2000; AND PROVIDING AN EFFECTIVE DATE.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

**Amended and Restated Lease Agreement –  
RSP II Barnett Bank Plaza, Ltd. – City Hall Parking Garage ..... (M-16)**

A resolution was presented authorizing the proper City officials to execute an amended and restated lease agreement with RSP II Barnett Bank Plaza, Ltd. for the City Hall Parking Garage.

Commissioner Smith introduced a written resolution entitled:

RESOLUTION NO. 00-141

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO AN AMENDED AND RESTATED LEASE AGREEMENT WITH RSP II BARNETT BANK PLAZA, LTD. FOR THE CITY HALL PARKING GARAGE.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: None.

**Memorandum of Understanding –  
Fraternal Order of Police (FOP) Union  
for Health and Dental Insurance Contributions ..... (OB)**

**Motion** made by Commissioner Smith and seconded by Commissioner Hutchinson to execute a Memorandum of Understanding with the FOP Union for health and dental insurance contributions by the City. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

**Advisory Board Appointments ..... (OB)**

The City Clerk announced the appointees/reappointees who were the subjects of this resolution:

Community Services Board	Audrey O'Brian
Nuisance Abatement Board	Harry MacGrotty (Alternate) Helen Surovek (Regular)
Parks, Recreation and Beaches Advisory Board	John Rude

Commissioner Hutchinson introduced a written resolution entitled:

RESOLUTION NO. 00-142

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT  
LAUDERDALE, FLORIDA, APPOINTING BOARD MEMBERS AS SET  
FORTH IN THE EXHIBIT ATTACHED HERETO AND MADE A PART  
HEREOF.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: None.

At 1:55 A.M. on September 20, 2000, Mayor Naugle recessed the meeting to 6:00 P.M. on September 26, 2000.

\_\_\_\_\_  
Jim Naugle  
Mayor

ATTEST:

\_\_\_\_\_  
Lucy Masliah  
City Clerk

